

NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY

Prior to 1731

BY

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*Instructor in History, Evander Childs High School
New York City*

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

NEW YORK
1917



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CHAPTER I

INTRODUCTORY—GOVERNMENT

THE infant city of New Amsterdam in 1653 was small in area, small in population. From the wall south to the water was a scant half-mile. The length of the wall representing the greatest latitudinal reach of the city was about the same. North of the wall was wildness or possibly wilderness. From the water's edge narrow streets that had grown, or better, were growing out of lanes, reached up the hill toward the wall. This wall and the fort at the island's tip end were two evidences, at least, of the fact that a garrison was a permanent part of the town's equipment. Within the area of the fort was the church, peace being guaranteed by military strength. Out of the space bordering the fort on the land-side quite naturally a broader road led northward—the Broad Way. What later became Broad Street was then a ditch or inlet from the harbor, the Graght, as the Dutch called it. The story of how pathways fringed this inlet on either side until orders were given to fill it in is told in the third chapter, entitled "Regulation of Land and Streets."

The visitor to the young city would also be impressed very quickly with the commercial aspect of the place. Within easy reach of the fort eastward were the weigh-house and dock—the one dock that served the municipality for over half a century. The care of this dock was one of the government's most vexing problems. Which would work the better, to pay a dock-master a salary and look to him to

collect all revenues and deposit such in the city treasury, or to lease the dock and its revenues to the one who would offer the most at a "public outcry," expecting the lessee to keep the dock in repair? The experiments with both systems are delineated fully in the chapter on "The Dock." Practically overlooking this shipping centre was the first city hall, where Dutch burgomasters and schepens deliberated and were later succeeded by the English mayor and aldermen, or common council.

A ferry to Long Island had become a necessity before the city was chartered; this came under municipal regulation speedily and called forth extended deliberation and, indeed, litigation.¹ It was a long time before the North River strand came to have anything like the busy aspect of the shore facing Long Island. It was along this East River line that the city found ready sale for many "water lots" in the late seventeenth and early eighteenth centuries. Funds from this source helped to construct a new city hall in 1699.²

This limited area was occupied by less than 120 houses and perhaps a thousand people when rights of municipal government were first granted to the community.³ Ten years earlier, when Father Jogues, the Jesuit missionary, was here on his way back to France, he wrote that there were men "of different sects and nations,"³ and that the director general told him "there were men of eighteen different languages"⁴ in the town.

This cosmopolitan quality of our citizenship so early is a tradition for which explanation is rarely offered. It is not to be forgotten that the province of New Netherland was not

¹ Ch. v, p. —.

² Ch. iii, p. —.

³ Brodhead, J. R., *History of the State of New York*, vol. i, p. 623 (quoted from *Albany Records*, vol. iv, pp. 206, 218, etc.).

⁴ Letter in *New York Historical Collections*, second series, vol. iii, p. 215.

a product of the Dutch government, but rather of a trading company whose membership knew no national limits. The wool trade for several centuries had made Hollanders intimate with Englishmen across the channel. Amsterdam had seen vessels flying all colors entering her harbor. Coins of all nationalities were exchanged at the Bank of Amsterdam. Separatist "pilgrims" from England had made their home in Holland for several years before they started on the voyage that brought them to Plymouth Rock. Dutch and English sailors side by side had opposed the progress of the Spanish Armada.

So it was natural rather than surprising that fortune-hunters from many nations were numbered among the populace of New Amsterdam.

A community with such a meagre population sought municipal rights in 1653; such a request would seem strange in these days; indeed, it was strange then. Municipal governments were rare in colonial America. New York was one of but seventeen as late as the Revolution. The student of European history will remember that European cities owed their existence in most cases to a community desire for special privileges—privileges which they wanted badly enough to pay high for to their lord or king.

There was no European colony on the Atlantic coast whose voice in the government was so slight as in New Netherland. A petition to the West India Company for municipal rights was the most obvious thing. It was a popular reaction against arbitrary rule. This arbitrary rule was felt the more because the provincial director resided not somewhere up the river, but on this same lower end of Manhattan Island. It is no mere tradition that Director-General Stuyvesant parted with some of his prerogatives grudgingly when directed to do so by the company. Also the very limited degree of freedom the director assumed to

grant the new municipality is a matter of record incapable of erasure.¹

A routine of municipal government had become well established by 1664, as a glance at the records of New Amsterdam clearly shows. The traditions of the "Vaterland" were easily followed; "as is the custom in the Fatherland" appears again and again. Raising the English flag over the fort did not interrupt or change this routine to any such degree as some writers would have us believe. The very fact that Stuyvesant had held the reins so tightly over the chartered city was one reason, of course, for non-resistance to English authority. But there was already a goodly sprinkling of Englishmen among the population, and they welcomed the dethronement of the Dutch ruler. There was no sudden change even in the titles of the city officials. Burgomasters and schepens continued to be the terms used for several months before the change to mayor and aldermen was made.

Even under these new names the procedure of the past was followed very closely in administrative sessions, while judicial matters were conducted by identical officials in separate session. True to English tradition we find the jury introduced,² but this did not imply a great change. The spirit of the English jury always had reflected to an extent the Dutch method of choosing an arbiter or arbiters "to decide between the two,"³ a method which was not wholly displaced now.⁴ The court messengers—sometimes called city messengers—continued as before under the name,

¹ Osgood, H. L., *American Colonies in the Seventeenth Century*, vol. ii, chs. v, vi and vii.

² *Records of New Amsterdam*, vol. v, pp. 267, 279-80.

³ *Ibid.*, vol. iii, p. 147; vol. iv, pp. 2, 21, 100.

⁴ *Ibid.*, vol. v, pp. 270, 273; vol. vi, pp. 324, 325.

at first, of sergeants,¹ later known as marshals.² Schout Allard Anthony, now rechristened sheriff³ by Governor Nicolls, continued his prosecuting work as before. The governor before swearing in this new board was careful to declare that he had nothing to say "against the service of those retiring nor against their demeanour."⁴

Joannes Nevius, Dutch secretary, became English secretary.⁵ This does not mean that he had to write or did write in the English language, the majority of the records from 1665 to 1673 being in Dutch.⁶ Secretary and sergeants, too, were appointed by the new board of magistrates at their first meeting, June 15/25, 1665. They also appointed a constable for the village of New Harlem. Included in the oath that these officials took were promises to preserve the peace, to execute faithfully the warrants of the court and to appoint a deputy in case of absence.⁷

Since August 16, 1660, the unincorporated village of New Harlem had had an Inferior Court of Justice made up of three appointees of Director-General Stuyvesant, one of whom was designated to represent the schout there. A limited degree of legislative power was also granted to this court.⁸ This was the beginning of what might easily have become an entirely independent government for this portion of the island. Governor Nicolls, however, discerned laxity among the officials there, and in his proclamation of June 12/22, 1665, constituting the new municipal government heretofore described, declared "That the Inhabitants of New

¹ *Rec. N. Am.*, vol. v, pp. 252, 301.

² *Ibid.*, vol. vi, p. 217.

³ *Ibid.*, vol. v, p. 251.

⁴ *Ibid.*, vol. v, p. 251.

⁵ *Ibid.*, vol. v, p. 252 (Nevius was soon succeeded by Nicholas Bayard).

⁶ *Ibid.*, vol. v, p. 252.

⁷ *Ibid.*, vol. v, p. 254.

⁸ *Albany Records*, vol. ix, p. 371, quoted in Riker, James, *History of Harlem*, p. 196.

Yorke, New Harlem, with all other His Majesty's Subjects, Inhabitants upon this Island, . . . are, and shall bee for ever, accounted, Nominated and Established, as one Body Politique & Corporate, under the Government of a Mayor, Aldermen and Sheriffe."¹ In accordance therewith we are prepared to find this new "government" notifying the magistrates of New Harlem that they are "discharged from their office." At the same time the new constable for the locality was authorized to select "three or four persons, who shall have to decide any differences or dispute to the extent of five pounds sterling." An appeal from their decision might be taken to the mayor's court, provided the appellant paid the constable six stivers and the costs involved.² Two cases of such appeal are recorded in the court minutes of New Amsterdam on October 3 of the same year.³ After mentioning one other slight change we shall have the Dutch government properly anglicized. This was the action of the court in doing away with the office of treasurer and in making the collector of monies custodian and disburser of the same—no disbursement being permitted without the order and signature of the mayor and secretary.⁴

One most interesting incident in municipal history must be associated with the nine years that elapsed before New York became New Orange. It occurred on the arrival of Lovelace to succeed Nicolls as governor in 1668, and took the form of an expression of willingness both on the part of the Duke of York and the new governor to consent to any "reasonable and practicable" changes "for the better regulation" of "Your Corporation" as the mayor and aldermen should suggest. Tokens of good will in the shape of a cor-

¹ *Rec. N. Am.*, vol. v, p. 249.

² *Ibid.*, vol. v, p. 254.

³ *Ibid.*, vol. v, pp. 296, 297.

⁴ *Ibid.*, vol. v, p. 255.

poration seal, a silver mace and gowns for the magistrates accompanied this generous expression.¹ The only suggestion offered was that of a return to the Dutch custom of the governor's choosing the magistrates from a double number presented to him by the magistrates in office. This plan was adopted at once and the first choice from such nominations was made, October 9, 1669.² There seems to have been a due amount of care that a portion of those chosen should be Dutchmen.

After New York had been newly christened New Orange, in the summer of 1673, with the Dutch again in control, it immediately became evident that there was no idea on their part of reciprocating English liberality in municipal office sharing. The mayor in office, John Lawrence, was an Englishman and so ex-Mayor Steenwyck was directed to call the burghers together for the purpose of appointing "either four, six or more from their midst" to confer with the Dutch admirals. Six men were appointed—all Dutchmen.³ These delegates were ordered to call another meeting which should present a list of nominees for burgomasters and schepens. There was this interesting limitation, however, that these nominees must be of "the Reformed Christian Religion" and also be men of property. If this régime had been permanent, the municipality would have had class and religious distinctions to live down. A real Dutch magistracy of schout, burgomasters and schepens assumed office, August 17, 1673. To them the late Mayor Lawrence was called upon to surrender seal, mace, and magistrates' gowns. Constables' staves were also called in.⁴

This newly ordained magistracy was quite ready, however, to accept any additional prerogatives that had accrued

¹ *Rec. N. Am.*, vol. vi, pp. 198-9.

² *Ibid.*, vol. vi, p. 201.

³ *Ibid.*, vol. vi, pp. 395-6.

⁴ *Ibid.*, vol. vi, pp. 397-9.

during the English period; the whole island was theirs to rule. At once they chose for New Harlem and also for the increasingly important region "on this side of Haerlem" an under-schout and schepens, corresponding to the aforementioned English officials for New Harlem. Both localities were allowed the "Fatherland" practice of nominating double the number of officials required to fill the offices.¹ For each of these localities, instructions—minutely detailed—issued from the "Worshipful Court,"² which in turn was instructed by the "Honorable Honor Governor General."³ These instructions would demand our serious consideration if they had been destined to enjoy a longer life. We may stop to observe one curiosity—that, after a motion had been put by the "first Burgomaster," the governor's commissioner, who was the presiding officer, voted first and then the burgomasters and schepens in turn according to rank, the president coming in for another vote in case of a tie.⁴ In general the purpose of all the instructions was that the instructor might retain the whip hand.

Incidentally, the instruction whereby schout, burgomasters and schepens were called upon to accept a deputy from the governor as a presiding officer was much resented by those magistrates and well nigh disrupted the government. The magistracy yielded only under the governor's threat to discharge its members from office.⁵ In a case before the court a few weeks later, *Minvielle vs. Bedloo*,⁶ we are not surprised to find schout, burgomaster and schepens all voting against Captain Knyf, who presided "on behalf of the Governor."

Under threatening skies of this sort the municipal bark

¹ *Rec. N. Am.*, vol. vi, pp. 400-401. ² *Ibid.*, vol. vii, pp. 21-25.

³ *Ibid.*, vol. vii, pp. 36-39.

⁴ *Ibid.*, vol. vii, p. 37.

⁵ *Ibid.*, vol. vii, pp. 40-43.

⁶ *Ibid.*, vol. vii, p. 50.

of New Orange set forth. It seems providential that it did not have far to sail before it should fly the English flag once more. The first record of the English city after the reoccupation in 1674 bears date of November 9.¹ It is very properly a proclamation by Governor Andros commissioning a mayor, five aldermen and a sheriff, one of the aldermen being named also as deputy mayor. The last two mayors under the first English rule, Mathias Nicolls and John Lawrence, were named as mayor and deputy mayor respectively, although the Dutch were represented on the board. There was nothing in the governor's proclamation, however, that suggested any actual change in government and laws; again it was largely a change in nomenclature.

We shall find it of advantage as we approach the time of the Dongan charter to observe a little more closely this administrative-legislative-judicial magistracy which constituted the municipal government. "Court of Schout, Burgomasters and Schepens" was the term regularly applied to the Dutch magistracy, and its records are known as the "Court Minutes of New Amsterdam." Matters purely administrative, after the custom in old Amsterdam, were thought to concern the burgomasters only and, commencing March 8, 1657, these two officials began to hold weekly meetings apart from the court to "consult then together about all that may concern the City, and to dispose thereof as shall be found proper."²

It is not to be wondered at that judicial business was sometimes transacted by the burgomasters at these meetings. Likewise, proceedings other than judicial are found

¹ *N. Y. Documentary History*, vol. iii, p. 79.

² *Rec. N. Am.*, vol. vii, p. 140. Administrative minutes up to January 28, 1661 are found in this volume, pp. 140-267.

in the records of the court. For instance, the court minutes of December 9, 1659 record the appointment of Mighiel Jansen and Thomas Hall to settle the difference between Burger Jorisen and Hans Vos.¹ It is the burgo-masters alone, however, in their session, who receive the report of the arbitrators and take further action in the matter.² Again, other measures such as involved schools and schoolmasters, emanated sometimes from the burgo-masters alone,³ sometimes from the court.⁴

In English New York there was the same practice of a court session and a council session. The mayor and aldermen (November 9, 1683) in explaining to Governor Dongan their practices said that they "did make such peculiar laws and orders as they Judged Convenient ffor ye Well Governing ye Inhabitants of said Corporation & held once in 14 dayes or oftener on speciaall desire or occasion a Court of Judicature att ye Citty hall."⁵ Previous to the Dongan charter, whether their work was legislative or judicial, it was precisely the same body of magistrates that performed it and it was the same clerk who recorded their acts. Indeed their administrative and judicial sessions would frequently follow each other on the selfsame day, separated only by the ringing of the bell.⁶

There is an interesting record of February 27, 1677, in which a complaint is made that court-day sessions frequently last "a long time after ye appoynted howre."⁷ As might be expected, administrative matters often crept into

¹ *Rec. N. Am.*, vol. iii, p. 90.

² *Ibid.*, vol. vii, p. 243.

³ *Ibid.*, vol. vii, pp. 223-4, 244, 257.

⁴ *Ibid.*, vol. ii, pp. 39, 219-20, 348; vol. vi, p. 4.

⁵ *Minutes of the Common Council*, vol. i, p. 103.

⁶ *Ibid.*, vol. i, p. 250.

⁷ *Ibid.*, vol. i, p. 48.

the court sessions and *vice versa*.¹ One comes upon unexpected minutes like these, for example, in the court records: December 7, 1680, Gerrett Hendricksen was chosen and sworn "Constable for the Bowery, the present Constable being Sick." Again, on January 14, 1679, a petition from the deacons "to be free from the watch" is referred to the Governor "to doe as hee shall see cause." March 24, 1675, "hoggs" were prohibited by the court from going about the streets of the city; and November 20, 1677, a house was ordered "built in the Citty yard for Peter Paulls, being a lunatick."² Less often the report of a case at law is found actually recorded in the council minutes.³ The term "common council,"⁴ by the way, does not appear until there came to be common councilmen, in 1683;⁵ the "Court of Mayor and Aldermen" is spoken of⁶ also as a "court of Record,"⁷ when judicial proceedings are entirely lacking. Sometimes the heading is "Proceedings att a Meeting";⁸ simply "Att a Meeting"⁹ is more used than anything else.

A female character, the wife of one Josias Hallett, fig-

¹ The editors of *The Minutes of the Common Council, 1675-1776*, when noting this fact, vol. viii, p. 145, ascribe such to misplacement by the clerk, but the clerk should not be held accountable for the many other similar cases of confused entry.

² For these items see the *Mayor's Court Minutes* of the above dates.

³ *M. C. C.*, vol. i, p. 38—Wm. Waldron & Jno. Peterson Compleat agt. Constable of Harlum and Severall other inhabitants.

⁴ Schwab, John C., *History of the New York Property Tax*, uses these words inadvisedly in his references to records so early as 1669 (p. 48) and 1671 (p. 43).

⁵ *M. C. C.*, vol. i, p. 120.

⁶ *Ibid.*, vol. i, pp. 13, 16, 73.

⁷ *Ibid.*, vol. i, pp. 67, 68, 75. It is to be remembered in this connection that even today the Massachusetts legislature goes by the name of "General Court."

⁸ *Ibid.*, vol. i, p. 108.

⁹ *Ibid.*, vol. i, p. 96.

ures in both the *Common Council Minutes* and the *Mayor's Court Minutes* of April 1680, although in this case it is manifestly the clerk's fault. In the former, under date of April 6, she was ordered to be "Sent out of this Cytie and out of ye bounds and precincts of this Court before ye Tenth Day of this Instant Aprill."¹ In the mayor's court records of April 27, reference is made to the above-mentioned order and to the carrying out of the same by the sheriff. "In contempt of which order" she is back in the city again. So "tomorrow by Eleaven of the Clock by ye Ringing of ye bell" she must be gone again for a three years' banishment "under ye Penallty of Corporall punishment at ye Discretion of ye Court" if she should return.²

The Dongan charter provided for six assistants³ and the distinctive term "common council" was ordained to include them with mayor, recorder and aldermen. This body was empowered to "Call and hold Common Council within ye Common Council house or Citty Hall."⁴ Thereafter the line is drawn rather more sharply between "Proceedings in Common Council" and "Minutes of the Court of Mayor and Aldermen," in which latter body the assistants were not authorized to participate.

Before we give the Dongan charter the close examination which its importance requires, it is well for us to remember that at the very time when New York was petitioning for a charter of greater privileges, municipal corporations in England were fighting for existence under the determined

¹ *M. C. C.*, vol. i, p. 79.

² *Mayor's Court Minutes*, April 27, 1680.

³ These assistants were called "Common councilmen" in the petition to Governor Dongan that preceded the granting of the charter. *M. C. C.*, vol. i, p. 104.

⁴ Dongan charter in *M. C. C.*, p. 297. The original copy of the Dongan charter is preserved in the New York Public Library.

effort of crown and bench for the revocation of their charters. The English cities, attacked ostensibly on the ground of "abuse of their privileges," were felt to be the centers of Whig opposition to the crown. Chief Justice Jeffreys "had made all the Charters, like the Walls of Jericho, fall before him,"¹ and the new charters rendered municipal officials the equivalent of, if not actually, royal nominees.² It was only a year later that the charter of Massachusetts was annulled.³ Even in the province of New York the "charter of Libertys and Privileges" which Dongan had signed in 1683 was kept back by James II as "not yet perfected," and was later disallowed.⁴

The Dongan charter, given to New York City in 1686, was certainly in line with the duke's instructions to Dongan to grant to the city of New York "immunities and privileges beyond what other parts of my territory doe enjoy."⁵ An explanation of this may be found in the fact that many changes established by the charter were in practice two or three years earlier than 1686. Governor Dongan arrived in New York, August 25, 1683; on November 9, following, the city magistrates petitioned him for a charter, specifying the things they desired.⁶ The governor sought to be enlightened on some of the articles in the petition, and to some he objected.⁷ Explanations followed,⁸ and a little later came a request that the "fforme and method" indicated in their petition be "put in practice until such Time as his

¹ North, Roger, *Examen.*, p. 626.

² Green, J. R., *History of the English People*, vol. iv, pp. 4-5.

³ Brodhead, J. R., *History of the State of New York*, vol. ii, p. 417.

⁴ *Ibid.*, vol. ii, pp. 420, 422, 453.

⁵ *N. Y. Colonial Documents*, vol. iii, pp. 218, 331-4.

⁶ *M. C. C.*, vol. i, pp. 102-5.

⁷ *Ibid.*, vol. i, p. 105.

⁸ *Ibid.*, vol. i, p. 106.

Royall highness pleasure shall be ffurther knowne therein.”¹ This was so ordered by the governor, December 10, 1683,² after which date the Dongan charter was virtually in effect.

In our examination of the contents of the charter we shall consider, first, the common council, together with the latest additions to its membership, the recorder and assistants. The latter, like the aldermen, were to represent the six newly created wards, one for each. The twelve were to be elected by the voters of their respective wards “on ye feast day of St. Michael the Arch Angell yearly.”³ The recorder, however, was an appointee of the governor and council, to serve “during pleasure” as “Assistant to the Mayor and Aldermen in ye Rule of Government of ye said Citty and administration of Justice in their Court of Record,” as the governor’s commission to James Graham (the first incumbent) reads, under date of December 4, 1683.⁴ The most important work of the recorder was to be in the mayor’s court rather than in the common council. The very fact, however, that he remained in office “during pleasure” gave him a place in both bodies as a pilot to a ship of state whose captain and crew were frequently changing. As legal adviser to both bodies, we see in the person of James Graham one who might easily be called the first corporation counsel of the city of New York.⁵ At the first meeting of the mayor’s court, in the year 1684, Mr. Graham “tooke his place on ye Bench on ye Right hand of ye Mayor.”⁶ In the towns of England the re-

¹ *M. C. C.*, vol. i, pp. 109-10.

² *Ibid.*, vol. i, p. 113.

³ Dongan charter. This feast day came on September 29.

⁴ *M. C. C.*, vol. i, pp. 117-8.

⁵ A list of the recorders of the colonial period may be seen in the appendix.

⁶ *M. C. C.*, vol. i, p. 118.

corder was an official of long standing; the interesting advice the recorder of Nottingham gave in 1521 to the magistracy is quoted by Mrs. Green in her treatment of English town life.¹ It was distinctly provided in the charter that the members of the common council were constituted "one body corporate and politique" by the name of "the mayor, Aldermen & Commonalty of ye Citty of New York."

In accordance with the wishes of the petitioners, the charter, after a recital of former rights and privileges in its opening paragraphs, confirmed the same to the corporation.² As such a corporation it should have its seal, it should be legally "Capable To Have, Gett, receive and possess Lands," as well as to "give, Grant, Lett, Sett and Assigne the Same;" also "to plead and be Impleaded, Answer and be Answered unto, Defend and be Defended," in all kinds of actions or suits.³ The reader will find in the chapter on "Ferries" ⁴ a narration of the circumstances under which the Corporation commenced a "Process at Law Against Dirck Benson, the Lessee of the ferry." ⁵ In the chapter on "Municipal Regulation of Lands and Streets," will be detailed how the corporation used to its advantage its chartered rights to "All the Waste, Vacant, unpattented, and Unappropriated Lands" on the island "reaching to the low water mark." ⁶ Another corporate power was that of making Tuesday, Thursday and Saturday of every week "Markett Days." ⁷ Some of the corporation's perplexities with the market problem may be discovered in the chapter on "Trade."

¹ Green, Mrs. J. R., *Town Life in the Fifteenth Century*, vol. ii, pp. 347-8.

² Dongan charter in *M. C. C.*, vol. i, pp. 291-4.

³ *Ibid.*, vol. i, pp. 295-6.

⁴ Ch. v, p. —.

⁵ *M. C. C.*, vol. ii, p. 235.

⁶ Dongan charter in *M. C. C.*, vol. i, p. 293.

⁷ *Ibid.*, vol. i, p. 303.

It was established by the charter that the common council should have "full power & Authority" to "make Laws, Orders, Ordinances & Constitutions" and to "Add, Alter, Demeanish or reform them" whenever necessary. In their law making they were not to contravene the laws of England or those of the province. Such orders were to remain in force for three months only.¹ So one feature that the records reveal periodically is a re-enactment of former laws.² The administrative and legislative activities of this body of men are the chief material employed in the treatment of all the subsequent chapters of this work and do not call for further mention at this point.

The common council was empowered further by the charter to impose "reasonable Fines and Amercements" on offenders.³ "Twenty lashes at the publick whipping post" was the punishment ordained in 1692 in case a slave was noisy on the street or was frequenting a public house on the Sabbath, but his master might hand over six shillings to "Excuse the Same."⁴ A fine of three shillings was established as the carman's forfeiture, if to secure a load of dirt he dug "any holes in the Streets" or "without this Citty within twenty ffoot of the ffortifications."⁵ Property could be condemned to secure the payment of fines, if necessary.⁶ The older inhabitants were well acquainted with legislation of the same character under the Dutch burgo-masters and schepens.

What constituted a quorum? We find the answer in this way. The charter said that the mayor, recorder and any three or more of the aldermen plus any three or more of the

¹ Dongan charter in *M. C. C.*, vol. i, p. 298.

² *M. C. C.*, vol. i, pp. 229, 243, 275, 377, *et seq.*

³ Dongan charter in *M. C. C.*, vol. i, p. 298.

⁴ *M. C. C.*, vol. i, p. 277.

⁵ *Ibid.*

⁶ Dongan charter in *M. C. C.*, vol. i, p. 298.

assistants shall be called the common council; "they or the Greater part of them," however, could do business.¹ So five, as the "greater part" of eight, made a quorum, although not entitled to be called the "common council." Perhaps it was with scrupulous exactness that in Mayor French's absence, September 29, 1703, the clerk wrote "Att A Meeting of the Recorder, Aldermen and Assistants,"² instead of the usual "Att A Common Council." Again, on January 19, 1698, with only a quorum in attendance the record starts, "Att A Meeting of ye Mayor & Aldermen."³

How important the duke-proprietor's instructions had been in the matter of justice at an earlier time we shall do well to learn from the exact words of the Duke of York's secretary to Governor Andros under date of August 31, 1676:

It is his Royal Highness intencons to have all persons whatsoever treated with all humanity and gentleness that can consist with the honour and safety of your government to the end, that where the laws doe inflict a punishment, it may seeme rather for example to deterr others from the like crimes, than to afflict the party punished, except where his malice appeares plainly to aggravate his offence.⁴

Is it possible that James Stuart had a vision of "humanity and gentleness" across the sea in a new land, in contrast to the deeply imbedded inequalities and severities of the home country?

Instructions of the sort quoted were altogether consonant with Dutch practices and could mean no change in the judicial spirit, even though there were changes in names. Governor Dongan had authorized the mayor, with any four of

¹ Dongan charter in *M. C. C.*, vol. i, p. 297.

² *M. C. C.*, vol. ii, p. 238.

³ *Ibid.*, vol. ii, p. 25.

⁴ *N. Y. Col. Docs.*, vol. iii, p. 237.

the six aldermen, sitting as a court of sessions, to continue to try both civil and criminal cases.

The most beneficial features of the Dutch court of referring causes to arbitrators was continued and practiced very generally until English lawyers began to increase in the colony, when the system of special pleading grew more refined and subtle, and arbitrations were no longer resorted to, except in cases of accounts, which were usually referred to three persons, at first styled arbitrators, and afterwards referees.¹

The English jury came into use very gradually along with the pleading of the attorneys, though this procedure did not become the universal practice until after 1704.²

The Dongan charter sought to organize the judiciary more definitely than before, the appointment of a recorder, heretofore mentioned, being without doubt the most effective means to that end. In addition there was an attempt at least to differentiate between civil and criminal cases.

The Mayor and Recorder of ye Said Citty for ye time being And three or More of ye Aldermen of ye Said Citty, not exceeding five,³ shall be Justices & Keepers of ye Peace . . . & May for ever hereafter have Power & Authority . . . to hear & Determine all Manner of Petty Larceny, Riots, Routs, Oppressions, Extortions and other trespasses & Offences . . . And ye Correction & Punishment of ye offences Aforesaid & every Of them According to the Laws of England & the Laws of the said Province.⁴

Thus reads the charter in one place; at another place, well toward the end of the document, we find "that they And their Successors Shall And may have hold & Keep . . . in Every week in every year for Ever upon Tuesday, one Court of Common

¹ Daly, C. P., *Historical Sketch of the Judicial Tribunals of N. Y.*, pp. 30-31.

² *Ibid.*, p. 29.

³ This is a curious limitation that it does not seem easy to explain.

⁴ Dongan charter in *M. C. C.*, vol. i, pp. 299-300.

Pleas for all Actions of Debt, Trespass upon ye Case Detinue, Ejectment And Other Personal Actions.”¹ Civil cases, plainly; such were to be tried like the others before the mayor, recorder and aldermen or any three of them, whereof the mayor or recorder must be one.²

The colonial assembly had passed, November 1, 1683, an act providing for a court to be held quarterly in the county of New York on the first Tuesday of February, May, August, and November. At these sessions the judges were to be the justices of the peace—“three of them at the least.”³ The minutes of that court, commencing February 5, 1684, are to be found to-day in the Criminal Courts Building, in a vellum-bound volume entitled *General Sessions of the Peace, held for the City and County of New York*. The names of the city magistrates of that year, headed by Mayor Steenwyck, appear on the first page as the justices of the peace for the session. Judge Daly in his treatise on the New York judiciary states that this tribunal, “with the general acquiescence of all parties,” yielded place to the corresponding court established by the Dongan charter. He designates the same as “the quarter sessions” and ascribes to it “exclusive criminal jurisdiction.”⁴ This last statement is misleading, however. If one runs through the minutes of the session of August, 1689, for instance, he will find the proving of a will, the appraisement of an estate, the report of inquisitions into two deaths by drowning, and the sentencing of a thief to the whipping-post recorded in succession.⁵ Civil cases actually outnumber the criminal. One can dis-

¹ Dongan charter in *M. C. C.*, vol. i, p. 304.

² *Ibid.*, vol. i, pp. 299, 304.

³ *Colonial Laws of N. Y.*, vol. i, pp. 125-6.

⁴ Daly, C. P., *Historical Sketch of the Judicial Tribunals of N. Y.*, pp. 33-34.

⁵ *General Sessions of the Peace*, vol. i, August, 1689.

cern, though, from the many suits where the plaintiff is "Dom Rex" (His Majesty, the King) that cases were commonly reserved for these quarterly sessions in which the royal authority was in question.¹ The record of one such case is given in the appendix.

The minutes of the court of burgomasters and schepens and of the court of mayor and aldermen, up to November 10, 1674, are found printed in "The Records of New Amsterdam." Manuscript volumes, commencing with the court session of the very next week, are in the custody of the county clerk and record the proceedings thereafter.² One cannot detect any appreciable change after the charter was issued either in the nature of the suits or in the method of procedure. Indeed with the one exception already noted,³ the minutes of this court are remarkably like those of the quarterly court. Cases involving debt predominate. Inasmuch as the magistrates came largely from the merchant, and therefore the creditor, class, the court minutes reveal the names of virtually every office holder. Almost every person of note, unless he were a Quaker, appears in court at one time or another. The name of Jacob Leisler appears more than a dozen times in the records prior to 1689. Captain William Kidd, at that time an accredited citizen, appears nine times from October 20, 1691, to July 4, 1693.

As appears from this record, the debtor often owed for "strong liquors;" sometimes wages had not been paid, cases involving sailors and masters of vessels being frequent;⁴ sometimes it was an unpaid note, "writing obli-

¹ *General Sessions of the Peace*, May 2, 1693.

² *Minutes of the Mayor's Court*, commencing with vol. ii. When the city shall have completed its present task of printing the common council minutes, 1784-1831, the publication of these court minutes should next receive consideration.

³ "Dom Rex" as plaintiff, *supra*.

⁴ The master of the "Henry & Margaret" was sued by four of his "marriners" on the same date, *M. C. M.*, November 25, 1718.

gatory." On August 20, 1697, suit was brought to satisfy London creditors.¹ The cases involving John Jourdain's lottery in 1721 reveal fraud as well as indebtedness. Jourdain sought to dispose of certain merchandise "by way of subscription," selling tickets to subscribers at six shillings each and advertising 231 prizes ranging from eight shillings to fifteen pounds. Frederick Williams and John Blake both brought suit; the latter charged that he bought three tickets, drew a £6 prize, but received only a periwig worth five shillings. Williams said he took out twenty-four tickets and won seven prizes, one of £14 and six of eight shillings each, and received goods worth only £6. The defence offered was that Jourdain was "within the age of one and twenty." The court awarded equitable damages to both subscribers.² In another suit Messrs. Dugdale and Searle said they were cheated by Thomas Kearney and brought "into great Discreditt." Out of one hundred half-barrels of flour which Kearney delivered to them as "good and Merchantable" and which they sold at Bridgetown, Barbados as such, fifty-seven were found to be "bad and mixt flower." The sum of £20. 5. 1½ was what Kearney had to pay in damages and costs.³

Suits for scandal or defamation of character were frequent where, according to the complaint, the defendant did "with a loud voice" utter some "false feigned scandalous and Defamatory English words." Margaret Norton's supply of "vile and opprobrious" epithets was limited, comparatively speaking, but she was called upon to answer two charges in court on the same day, October 18, 1715. Henry Pounteney resented being called by her "That old French son of a bitch," while Zachariah Hutchins was both a

¹ *Mayor's Court Minutes*, August 20, 1697.

² *M. C. M.*, August 8 and 15, 1721.

³ *Ibid.*, December 19, 1715.

"privateer dog" and "that one-eyed son of a bitch." Each man, according to her say, had stolen one of her bullocks and "kill'd it over the Ferry." Found guilty on both charges, she had to pay £16 damages.¹ Hendricke Smith was fined five shillings, in 1693, "for abusing a constable in Collecting their Majesties tax."² We may safely assume that this "abuse" was from a venomous tongue.

There were also many cases of assault. Hugh Crow, victualler, was in court, July 4, 1704—the fourth of July had no particular significance then—charged with making an assault on Mary Wilson. "With his double fist" did he beat her, "so that of her life it was despaired." The award by the jury of £10 damages seems lenient.³ On April 3, 1705, a complaint was entered that Joan Atkins, "with staves swords Clubbs and other weapons did beat wound and evill intreat" Isabelle Maynard. No prosecution followed.⁴ For the loss of the "top of the fourth finger of the Right hand" Richard Johnson received £5 damages from John McEvers.⁵ John Kramer, carpenter, was ordered committed to jail "till he finds Sufficient Sureties for his good behaviour and for his Appearance at the Next Sessions, he Attempting to Stab his wife and threatening to Murder her."⁶

There was a thief to be dealt with now and then. Among the things that John Mitchell did "take and Carry away" from Jacob Regnier's house, in 1711, were eight gallons each of cider, beer and Madeira wine.⁷ Garrett Wendell was in court ten years later for the theft of a bag of money and wearing apparel from Christian Ryck. Damages and costs

¹ *M. C. M.*, December 6, 1715.

² *Ibid.*, September 26, 1693.

³ *Ibid.*, July 4, 1704.

⁴ *Ibid.*, April 3, 1705.

⁵ *Ibid.*, June 6, 1716.

⁶ *Ibid.*, April 23, 1723.

⁷ *Ibid.*, February 6, 1711.

in this case amounted to £55. 10. 7.¹ The reader needs to be oblivious to present day conditions to believe that "in a Certain Street Called the Broadway" Thomas Braine stole William Butler's milch cow.²

The admission of freemen, which was an important matter of municipal business, was entrusted by the charter to the "Mayor, Recorder, & Aldermen, or to ye Mayor & any three or more of ye aldermen."³ As this combination of officials approximated to the membership of the court, "freedoms" are generally found recorded in the court minutes.⁴ An exception appears in the case of eight petitioners who were admitted on January 23, 1696,⁵ and later the common council as much as confesses irregularity, when it prescribed that no more freemen should be admitted except "pursuant to the directions of the Charter."⁶ Nevertheless, irregularities did occur thereafter.⁷

Though there was no article in the charter concerning the care of the poor—an interesting omission—the poor are with us always, in court and council records. The petitions of individuals for assistance are found more frequently in the minutes of the mayor's court, and hundreds of such appear from 1700 to the Revolution. The chapter on "Charities and Correction" will open this subject further to the reader. This was also a court where foreigners were naturalized.⁸

¹ *M. C. M.*, January 9, 1722.

² *Ibid.*, October 2, 1722.

³ *Ibid.*, vol. i, p. 302.

⁴ *M. C. M.*, March 29, 1709, December 7, 1714, March 29, 1715 (the list includes one woman).

⁵ *M. C. C.*, vol. i, p. 395.

⁶ *Ibid.*, vol. ii, p. 29. See chapter on "Trade" for details regarding freemen.

⁷ *Ibid.*, vol. ii, p. 243.

⁸ *M. C. M.*, July 21, 1719.

property attached,¹ wills proved and recorded,² guardians appointed for minors,³ and complaints heard concerning alleged unfair taxes.⁴

In the above enumerations we have aimed to include only such business of the court as was judicial or semi-judicial in character. Mention has already been made⁵ of this body, when sitting as a court, taking cognizance of matters that would properly come within its purview as a legislative or administrative board. Such irregularities still appear after the issue of the charter, but not with such frequency. For example, the court appointed Jonas Thomas "Corne Measurer" of the city in 1694,⁶ made arrangements for the taking of a census⁷ and collecting "Arrearage of Taxes"⁸ in 1697, took action to provide against John Le Roux communicating with the French when he went to Martha's Vineyard to fish in 1695,⁹ and granted exclusive use of a proposed well in Broadway to those who should contribute toward the same.¹⁰

There was a case before the court in 1713, where some witnesses were brought from New Jersey, and the court ordered that they be allowed "reasonable Expenses for their Attendance" and that be the practice in the future.¹¹ In another case in the same year, Thomas Anderson *vs.* John Gordon, we have the first instance on record in the city of

¹ *M. C. M.*, June 1, 1703.

² *Ibid.*, April 21, 1691.

³ *Ibid.*, February 23, 1703.

⁴ *Ibid.*, August 25, 1691.

⁵ *Cf. supra*, p. 11.

⁶ *M. C. M.*, July 3, 1694.

⁷ *Ibid.*, May 10, 1697.

⁸ *Ibid.*, July 27, 1697.

⁹ *Ibid.*, May 21, 1695.

¹⁰ *Ibid.*, May 31, 1720. *Cf. M. C. C.*, vol. ii, p. 149 for a similar privilege granted by the common council.

¹¹ *M. C. M.*, February 17, 1713.

New York where counsel was provided for one of the parties who was too poor to pay for such service.¹

Jury duty in those days was no more popular than now; a penalty of thirteen shillings and four pence² was exacted to guard against absence, but it had to be imposed many times.³ The qualifications of a juror and the privilege of challenge were established by provincial law.¹ Cases of challenge are infrequent. Cornelius Clopper, Jr., was challenged July 14, 1719, but was declared "a fair Tryer."⁴ A jury, "sworn and charged" May 31, 1715, had great difficulty in reaching an agreement; the court, after an adjournment until four and then until six o'clock, required three constables to be sworn "to keep the same Jury together."⁵

A new recorder, Abraham Gouverneur, the noted Leislerian, came into office in 1700. He was probably instrumental in formulating the first set of rules for the court, and these were ordered to be in force, April 8, 1701.⁶ Anyone who is interested could find much in our civil code of to-day that is traceable to this code of 1701. We shall make reference later to some of these twenty-one rules in connection with the duties of some of the other city officials. The business of the court had increased to such an extent by 1711 that it was ordered that the signature of the clerk, instead of the mayor, should be valid except for writs of attachment.⁷

One further charter provision, judicial in character, was that designating each member of the court separately as a

¹ *M. C. M.*, November 10, 1713.

² Established by a law of the province, *Col. Laws of N. Y.*, May 16, 1699.

³ *M. C. M.*, June 13, 1699, July 4, 1704, November 24, 1719.

⁴ *Ibid.*, July 14, 1719.

⁵ *Ibid.*, May 31, 1715.

⁶ *Ibid.*, April 8, 1701.

⁷ *Ibid.*, January 23, 1711.

justice of the peace, who by his warrant might commit to jail for the time being persons apprehended for treason or suspicion thereof, for felony, for disturbing the peace, or "Other offenders for other Misdemeanors."¹

We now come to the consideration of the mayor. We already know something of the burden that was his as a member of the court and the common council. The reader has been able to infer that he was an appointee of the governor and in no sense an official of popular choice. Indeed the election of an executive by popular vote in city, state, or nation is a comparatively modern phenomenon. The story of how the fathers of our country, in 1787 in convention assembled, established the electoral college to name the President is familiar to every school boy. It is probably not so well known that the mayor in this city, with the single exception of Peter Delanoy in 1689² was not chosen by the popular vote of its citizens until 1834.³ During four years, beginning with 1669, the court of mayor and aldermen was permitted to present to the governor two nominees for the mayoralty, one of whom he should designate.⁴ In this we observe the survival of Dutch influence, and the power of the colonial governor was not limited to such an extent thereafter. In 1683, when "Antient Customs priviledges & lybertyes" were petitioned for by the corporation, they desired the governor to choose annually for mayor one of the newly elected aldermen.⁵ This, together with other requests, was temporarily granted.⁶ Curiously enough, when the time of the next election came

¹ Dongan charter in *M. C. C.*, vol. i, p. 301.

² *M. C. C.*, vol. i, p. 206.

³ Act of Assembly, March 3, 1834.

⁴ *Rec. N. Am.*, vol. vi, pp. 200-201, 260-61, 332, 394.

⁵ *M. C. C.*, vol. i, p. 104.

⁶ *Cf. supra*, p. 14.

around, seven nominees were submitted to Governor Dongan, only one of whom was an alderman elect.¹ When the charter was issued it was found that no such democratic notion was to be further entertained. That document provided that the governor, "by & with the advice of his Council," shall appoint "Such person as he Shall think fitt."²

The one separate power conceded to the mayor by the charter was that of granting licenses to "Tavern Keepers, Inn Keepers Ordinary Keepers Victuallers And all Publique Sellers of Wine strong-waters Syder Bear or Any other Sort of Liquors by retaile." He might demand for each license granted a sum to be mutually agreed upon by the petitioner and himself, not to exceed thirty shillings.³ Instances of the mayor's use of this power may be observed in the chapter entitled "Trade."⁴

Incidentally it may be noted that the money accruing from this source was conceded without limitation to the corporation. Shortly after the charter had been granted, the magistrates felt that the Mayor should have been empowered to act as clerk of the market, water bailiff, and coroner. At their request the recorder drew up a petition to the governor for the same,⁵ but it was not until the time of the Montgomerie charter that this change was effected.

Two appointees of the governor other than the recorder, whose tenure was not limited by the charter, were the town clerk and the clerk of the market. The charter would have them be, like the recorder, "Persons of Good Capacity & understanding."⁶ Apparently it was deemed unneces-

¹ *M. C. C.*, vol. i, pp. 158-9.

² Dongan charter in *M. C. C.*, vol. i, p. 298.

³ *Ibid.*, vol. i, p. 301.

⁵ *M. C. C.*, vol. i, p. 313.

⁶ Dongan charter in *M. C. C.*, vol. i, p. 299.

⁴ Pp. —.

sary to specify the duties of these officials in the charter, except that John West was designated "Present Town Clerke, & Clerke of ye Peace & Clerke of ye Court of Pleas."¹ One reason why the city of New York is rich in her old records today may be traceable to the emphasis placed on their care in Andros's commission to this same John West in 1680,² and the repetition of an order that the clerk make an inventory of "the Bookes and papers Relating to the Publique business and Records of this Citty" and "bee charged with them by Indenture Signed with the Mayor of this Citty and Duplicat Signed by the Clerq."³

An interesting item in the minutes of the common council of April 5, 1695, refers to the purchase of a new record book, "No. 21."⁴ Twenty folio volumes of "old" records evidenced the output of energy on the part of Dutch and English secretaries or clerks before the eighteenth century commenced. During the subsequent thirty-five years the minutes record the purchase of 28 books for records.⁵ Six of these were specified as for the mayor's court.⁶ Sometimes it was stated that they were "bound in Vellum."⁷ They cost from £2: 10⁸ to £3: 10⁹ each. The handwriting of William Sharpas becomes very familiar to any one perusing those ancient volumes, as he served as clerk continuously from 1692 until his death in 1739. Well might the common council express itself as "truly Concern'd" over

¹ Dongan charter in *M. C. C.*, vol. i, p. 300.

² *M. C. M.*, November 8, 1680 (printed in *M. C. C.*, vol. viii, pp. 146-7).

³ *M. C. C.*, vol. i, pp. 221, 246.

⁴ *M. C. C.*, vol. i, p. 376.

⁵ *M. C. C.*, vol. ii, pp. 68, 84, 228, 272, 422; vol. iii, pp. 95, 170, 183, 214, 229, 268, 289, 301, 365-6, 481.

⁶ *Ibid.*, vol. ii, pp. 84; vol. iii, pp. 95, 183, 229, 365-6, 481.

⁷ *Ibid.*, vol. iii, p. 301.

⁸ *Ibid.*, vol. iii, p. 95.

⁹ *Ibid.*, vol. iii, p. 289.

the loss of one who, "With great Integrity Served them Upwards of forty Six Years."¹ Mr. Sharpas' successor in office reported to the common council, May 14, 1740, an itemized list of the "Books papers &c" that had been handed over to him by the widow: This list occupies more than two closely printed pages. To satisfy partially the reader's curiosity, here is the first paragraph:

Thirty Six Old books in Dutch of Transports, Notary books, Resolution Books &c: Some With paper Covers, Some Without and Some With Parchment Covers Ten Old Books of Records of the Mayors Court Some With paper Covers and Some With parchment Covers, Book of Declarations in the year 1675 bound in parchment. Book of Declarations in the year 1677 bound in parchment, In Which Book at the Other End are Recorded Divers Letters of Attorney, Wills Inventory's and Other Writings. Book of Conveyances Without a Cover begun 1665 and Ending 1675 part Dutch and part English.²

As in the case of the town clerk, the charter failed to prescribe any official duties for the clerk of the market. Ways in which this officer served the city and incidentally gained much revenue are revealed in that portion of the chapter on "Regulation of Commerce and Industry," dealing with markets.³

The treasurer or chamberlain was appointed annually by the common council, but his duties also were left undefined by the charter. It is interesting, therefore, to find the common council making the appointment annually, but failing to appreciate the need of regulating the office carefully until 1710, when much disorder of the "City Affairs and Accts . . . which hath cost the Corporation in Law Suits

¹ *M. C. C.*, vol. iv, p. 479.

² *Ibid.*, vol. iv, pp. 485-8.

³ Ch. ii, p. 60.

&c . . . upwards of £2000," led a committee to formulate rules to govern the office in the future. Among other things, the treasurer was to give bond for £1000 and keep separate accounts in proper books for that purpose of the several branches of the city revenue, "Arising by the Ferry Dock Fines Lycenses Freedoms Taxes &c.:" so that "the Corporation may at all times know what is due and to Come in and when." He was also required to render an account, quarterly or oftener, if requested, of all his receipts and expenditures.¹

As an illustration of the laxity that prevailed before these regulations were enacted, we find the common council, in 1691, much concerned over the accounts of a former treasurer, the charter appointee, Peter Delanoy. His political opponents, who were anti-Leislerians, tried to find out whether he gave any security when he assumed office.² They could not find that his accounts were ever audited during the years he was in the position. Perhaps he did not have any accounts to audit, just took in money and paid it out without any troublesome bookkeeping. He was popular enough to have been allowed to hold the office of assistant alderman while he was yet treasurer.³ Indeed, during the chaos of 1689 he was the freeholders' choice for mayor and confirmed as such by Leisler in his assumed capacity of governor.

With Leisler's fall, it was a completely changed municipal government that began to "Inspect the Revennues" in 1691, and try "particularly" to learn about Delanoy's accounts,⁴ apparently with little satisfaction. After his death

¹ *M. C. C.*, vol. ii, pp. 400-402, 405-7.

² *Ibid.*, vol. i, p. 227.

³ *Ibid.*, vol. i, p. 191.

⁴ The extant financial records of the city commence with this date, May 11, 1691, in Ledger No. 1, Chamberlain's office. The contents are printed in 1909 *Collections of N. Y. Historical Society*.

his widow claimed £170, "by him Disburst for the publick Benefitt."¹ A search for accounts to audit was again made by four different committees,² apparently without avail. Very likely it was the widow Delanoy, rather than the city, that suffered because the treasurer's office was guarded by no rules. It is very doubtful whether a city treasurer of those days ever would have had in his possession enough municipal wealth to tempt him to abscond. A committee appointed to audit Treasurer Bayard's accounts, in 1713, reported that they showed "he hath paid more than he Received [by] the sum of five pounds Nine Shilings and Eleven pence half penny."³

Another official designated in the charter was the coroner, "to be Appointed Chosen and Sworn In Manner Hereafter Mentioned." There is not another word about him, however, in the document, and references to such an official are rare in the municipal records. We know that one Thomas Coker was coroner in 1689, because he presented an account of £5. 2. 6 which was "allowed."⁴ A balance due him "when coroner" was ordered paid in 1694.⁵ An account of Captain Thomas Clarke, Coroner, amounting to eleven pounds two shillings, was allowed as a "County Charge," in August 1692.⁶ The same functionary was holding that office in 1698, and we observe a curious phase of the coroner's activity at that time when he is appointed on a committee with two common councilmen, "to take Effectuall Care the Gaols of This Citty be made Strong and Convenient & be put in good Repair."⁷ Later the coroner

¹ *M. C. C.*, vol. ii, p. 83.

² *Ibid.*, vol. ii, pp. 83, 99, 113, 139.

³ *Ibid.*, vol. iii, p. 52.

⁴ *Ibid.*, vol. i, p. 205.

⁵ *Ibid.*, vol. i, p. 370.

⁶ *General Sessions of the Peace*, vol. i, August, 1692.

⁷ *M. C. C.*, vol. ii, p. 57.

received £4. 6. 7½ disbursed by him to that end.¹ We may reasonably assume that this official was an appointee of the governor, because in their petition for the charter the magistrates so recommended; and also, if he was otherwise appointed, his name would surely appear in the records as named by the common council or mayor. Finally, it appears in 1702 that the governor, when appointing Philip French mayor, named him also as "Coroner, Clerke of the Markett & Water Bayliff."² This would surely have met with remonstrance if it had taken away a traditional privilege of the corporation. A number of items show conclusively that the mayor shifted to the sheriff or marshal the usual duties of the coroner's office. In 1704 a payment to Sheriff Willson includes reimbursement for "an Inquisition on A dead body."³ In 1706 Marshal Wright was compensated for "A Coffin for A frozen man."⁴

The Sheriff, like the mayor, was an annual appointee of the governor. Grouping this officer with the "Town Clerke of ye Peace, High Constable Petty Constables & all other Subordinates," the charter required them to attend upon the mayor, recorder and aldermen, "as Cause Shall require."⁵ What "the cause" required of the sheriff at times the reader will have a chance to observe in the chapter on "The Watch."⁶

When the above-mentioned rules for the mayor's court were established, in 1701, the sheriff was required to have a regular office in some convenient place, where he or his deputy or clerk could be found from eight to twelve and two to four daily. Another requirement was that he,

¹ *M. C. C.*, vol. ii, p. 59.

² *Ibid.*, vol. ii, p. 202.

³ *Ibid.*, vol. ii, p. 255.

⁴ *Ibid.*, vol. ii, p. 309.

⁵ Dongan charter in *M. C. C.*, vol. i, p. 300.

⁶ Ch. vi, pp. 154 *et seq.*

together with the clerk, marshal and two of the constables, should "attend the Mayor att his house in the Morning before the Courte sitts." ¹

The petty constables and the high constable above-mentioned, together with the marshal or "Sergeant at Mace," conclude the list of officials designated by the charter. The first named were chosen annually "by Majority of Votes" in their respective wards;² the second was appointed by the mayor;³ while the marshal, left to fate by the charter, seems to have been named by the mayor "with the Advice of this Court."⁴ The reader is again referred to the chapter on "The Watch" for further information concerning the activities of these officials.⁵

The newly appointed mayor and sheriff were required by the charter to be sworn before the governor and council, on the fourteenth of October. "The Recorder, Town Clerke, Clerkes of ye Markett, Aldermen, Assistants, Chamberlaine, High Constable, Petty Constables And all other officers . . . shall be sworne . . . before the Mayor or any three or More of ye Aldermen for ye time being."⁶ At first there seemed to be no question about the interpretation of this last clause. The newly appointed mayor, after taking oath, met with the retiring aldermen and swore in the new aldermen, who immediately "tooke their Places." The new assistants and other officers then took the oath.⁷ In 1701, however, there was a disputed election in three of the wards, and, at the meeting of November 11, three aldermen and three assistants claimed their seats as having been sworn in by Ex-

¹ *M. C. M.*, April 8, 1701.

² Dongan charter in *M. C. C.*, vol. i, p. 300.

³ *Ibid.*

⁴ *M. C. C.*, vol. iii, p. 60.

⁵ Ch. vi, pp. 159-62, 167-8.

⁶ Dongan charter in *M. C. C.*, vol. i, p. 299.

⁷ *M. C. C.*, vol. i, pp. 182-3, 192, 288.

Mayor De Riemer. Rival claimants for these six positions presented writs of mandamus and "great heats Arose."¹ Lieutenant Governor Nanfan, who succeeded Lord Bello-mont, took a hand in settling the dispute, but was forthwith informed that "the Common Council of this Citty are the sole Judges of the due Elections and Returns of the Magistrates and Other Officers for this Corporation."² After considerable trouble Mayor Noell got the election returns from the three wards "Inspected and scrutiny'd,"³ and in the end gave the oath to the officials.⁴

Nothing was said in the Dongan charter about the compensation of officials. We know that near the end of the eighteenth century the mayor was receiving fees to such a large amount that a salary was established instead.⁵ Small fees for the use of his seal he was declared entitled to as early as August 24, 1685, when the common council ordered that no weights or measures could be used "after the twentieth day of September Next Ensueing, But Such as shall be Sealed." Every day for a week, commencing August 31, from nine to twelve, the mayor, or a deputy, was to "give his attendance att the City Hall" for this purpose.⁶ The clerk of the market was generally the person who set the seal to weights and measures,⁷ although there is evidence that the mayor received the fees or a share of the same.⁸ When the mayor used his seal for other purposes, the common council, on October 15, 1691, fixed the fees as "Six shill. for Every great Seale and three Shillings for a small Seale."⁹ The treasurer was allowed "12d in the pound for all Receipts and payments of the publique mony," com-

¹ *M. C. C.*, vol. ii, p. 159.

² *Ibid.*, vol. ii, pp. 167-178.

³ *Ibid.*, December 30, 1789.

⁴ *Ibid.*, vol. i, p. 245.

⁵ *Ibid.*, vol. i, p. 246.

⁶ *Ibid.*, vol. ii, p. 151.

⁷ *Ibid.*, vol. ii, p. 183.

⁸ *Ibid.*, vol. i, pp. 167-8.

⁹ *Ibid.*, vol. i, p. 383.

commencing October 19, 1685.¹ This commission system was still in vogue in 1774.² Some five years after the issue of the charter the clerk of the market was granted by the common council certain definite fees for cattle, sheep and hogs slaughtered for the market.³ In 1693, salaries were being paid to the marshal and to the clerk, of seven and ten pounds respectively,⁴ and commencing in 1695 the latter received twice as much because of his "Dilligence" and the "Small Incouragement he has by the Multitude of business which he does ex officio."⁵

The fact is that the municipal magistrates in the early days of English New York were essentially non-salaried. In this respect the unpaid board of education of today is a counterpart of the common council of the eighteenth century. The members of the common council were not able to shift responsibility to salaried executives, however, and the demands on their time were many and insistent. Committees of their members were appointed to investigate, make reports, and carry on all sorts of municipal business. Regulations had to be drawn up concerning the dock, the ferries, the watch; wharves, ferry houses, market houses, sewers, and the like, had to be built and repaired; lands had to be surveyed, titles to land inspected, encroachments on highways investigated; addresses to his majesty had to be prepared setting forth "A true and Perfect Representation of what have been ye Rights & Privileges of this City" and protesting against the repeal of the "Bolting Act."⁶ In 1700 Kings Bridge could not be reached in an hour by a subway train from the Battery; it must have taken two whole days for a committee of four to go there and "View

¹ *M. C. C.*, vol. i, p. 171.

² *Ibid.*, vol. i, p. 218.

³ *Ibid.*, vol. i, p. 385.

⁴ *Ibid.*, vol. viii, p. 23.

⁵ *Ibid.*, vol. i, p. 322.

⁶ *Ibid.*, vol. ii, pp. 7-9.

the place On which Jasper Nessepot intends to build a Mill " and report to the board whether the passage of boats and sloops around the island will be hindered thereby.¹ Almost equally important in those days, although not consuming so much time, would be " Lineing and making Decent the Pew assigned for the Mayor and Magistrates in Trinity Church." ² Certainly it called for much sacrifice to enter upon aldermanic duties in those days. Yet the board went so far as to penalize members for tardiness or absence at the meetings,³ and any one elected to office who refused to serve was heavily fined.⁴

It seems apparent that offices were not sought for financial gain. To be sure it was not considered inappropriate for a magistrate to undertake some work, like repairs to the City Hall or the dock, for which he would be reimbursed. It is more than probable that an official could assist some friend in connection with the purchase of a desirable water lot or an extension of land to low water mark. The records, however, prior to 1731, show no glaring evidence of the graft methods associated with later municipal history.

Our consideration of the Dongan charter cannot be thought complete unless we summarize the opportunities for revenue that it confirmed or offered.

The early pages of the charter confirmed to the corporation " all the profitts, benefitts and Advantages which Shall or may accrue, and arise att all times hereafter " from the dock, ferry, market houses, city hall, or " New Buryal place." ⁵ The language of the document made it clear that the corporation had invested public funds in such improvements and was entitled to any revenue that might be forthcoming.

¹ *M. C. C.*, vol. ii, p. 97.

² *Ibid.*, vol. ii, p. 337.

³ *Ibid.*, vol. ii, p. 11.

⁴ *Ibid.*, vol. i, p. 157.

⁵ Dongan charter in *M. C. C.*, vol. i, pp. 292-3.

In the latter part of the document all money received by the mayor from licenses granted to "Tavern Keepers, Inn Keepers, Ordinary Keepers Victuallers And All Publique Sellers of Wine strong waters Syder Bear or Any other Sort of Liquors by retaile" was confirmed to the corporation; this, too, "without Any Account thereof to be rendered Made or Done to any of ye Lieutenants or Governors of this Province."¹ A former source of revenue also re-established was that "Used & accustomed to be paid & received" by those admitted as freemen.²

The story of the collection, and the obstacles in the way of the collection, of revenue from the above mentioned sources both before and after the issuance of the charter is detailed in subsequent chapters.³

Two new possibilities for revenue were created by the charter, one of which yielded a great deal, and the other, nothing whatever. The first was the grant of "All the Waste, Vacant, unpattented, and Vnappropriated Lands" on the island reaching to low water mark.⁴ Further, the corporation could fill in and make land "In And About" the island to low water mark⁵ and all such lands, "made" or natural, the city was empowered "to Demise, Grant, Lease, Sett over, Assign And Dispose of" at pleasure.⁶

The reader is referred to a subsequent chapter⁷ for acts of the common council that resulted from this chartered privilege.

¹ Dongan charter in *M. C. C.*, vol. i, pp. 301-2.

²*Ibid.*, vol. i, p. 303.

³ Chaps. ii, iv, and v. Also for the Dutch city see Durand, E. D., *The City Chest of New Amsterdam*, in the first series of *The Half Moon Papers*.

⁴ Dongan charter in *M. C. C.*, vol. i, p. 293.

⁵*Ibid.*, vol. i, p. 304.

⁶*Ibid.*, vol. i, p. 303.

⁷ Ch. iii, pp. 82-88. Also cf. Black, G. A., *Municipal Ownership of Land on Manhattan Island*.

The other possibility, the one which proved non-productive, was that of "the Royalties of fishing, fowling, Hunting, Hawking" and minerals with the exception of gold and silver.¹ There is no evidence that the corporation ever sought any revenue or advantage by restrictions on the inhabitants along the lines cited above. At the same time it was an assurance against alien usurpation.

Certainly that must have been an interesting period for the Manhattan property owner when he was not subject to an annual assessment and tax on his possessions. Occasional taxation of this sort there was, commencing with that "voluntary contribution" of 1655,² but after 1691 it was necessary for the corporation to apply to the newly created provincial assembly when such was deemed necessary. Aside from such occasional revenue, the income from the lease of the ferry was the largest item in the city's annual credit column for years. In 1691 an offer of £100 annually for the Long Island ferry privilege was rejected by the common council as being too small,³ and in 1728 the same ferry yielded £258.⁴ The reader is referred to the chapter entitled "Ferries" for details in regard to the ferry leases and to the corporation's method of obtaining ready money by mortgaging this same ferry revenue.⁵

At the time of the issuance of the Montgomerie charter the average annual budget of the municipality was less than £600.

At the opening of the eighteenth century, the City of New York existed under a government such as has been described.

¹ Dongan charter in *M. C. C.*, vol. i, p. 294.

² *Rec. N. Am.*, vol. i, pp. 367-375.

³ *M. C. C.*, vol. i, p. 252.

⁴ *M. C. C.*, vol. iii, p. 430.

⁵ Ch. v, pp. 126 *et seq.*, 128 (especially).

During the administration of Governor Lord Cornbury a question of municipal ferry rights arose. This grew out of the increasing trade with Long Island, which resulted in the issue, on April 19, 1708, of the so-called "Cornbury Charter." The circumstances of this grant are considered fully in the chapter on "Ferries."¹ Suffice it to say here, that the existing government was in no way affected by this charter, except so far as the corporation had the problem before it of "defraying the Charge" of £300² therefor at a time when the treasury was empty.

Incidentally, however, the Cornbury charter furnishes information that helps us to a fuller knowledge of the public works of that period. The Dongan charter had referred to a number of public works erected by the citizens "att their own proper Costs and Charges."³ The Cornbury charter states that since the time of the previous grant—something over twenty years—additional public works had been completed. These were the new city hall, five market-houses, a crane and a new bridge,⁴ a powder-house, and the new ferry-houses on the island of Nassau, with a barn, stables and a pound for cattle.⁵

The reader of this introductory chapter is able to infer that the subsequent chapters will take up in turn the supervision and regulation of the various municipal activities of that early period.

¹ Ch. v, pp. 138-41.

² *M. C. C.*, vol. ii, pp. 351-2.

³ Dongan charter in *M. C. C.*, vol. i, p. 291.

⁴ Ch. iv, pp. 116-17.

⁵ Kent, James, *Charter of the City of New York*, p. 26.

CHAPTER II

REGULATION OF COMMERCE AND INDUSTRY

WHATEVER the motive, or mixture of motives, that led Europeans to settle at other places on our Atlantic coast, no one questions that trade inspired the settlement of Manhattan Island. It was trade with the Indians that resulted in the purchase of the island in 1626. Traders dominated the politics of the infant city of New Amsterdam and continued to guide the affairs of the English city later on. Surely trade continues to be the dominant note in the Greater New York of the twentieth century. Look at the city seal, so familiar, yet so little understood. Note the beaver, emblematic of the trade in furs which the Dutch carried on. The ship "Arms of Amsterdam" on its homeward journey in November, 1626, carried 7246 beaver skins, as well as a considerable number of mink, otter and wildcat pelts, and some oak and hickory timber.¹ With this extensive early trade in beaver skins it was natural that they, like tobacco in the Virginia colony, should be also a medium of reckoning values. Another medium of exchange in the early days was wampum, frequently called seawant, strings of beads on wire that the Indians were glad to get in exchange for the beaver skins and other furs. If the beads of wampum were unperforated or became loose, they were not considered "good pay," and a distinction was made between merchantable or trade wampum and badly strung wampum. For example, an ordinance of May 30, 1650, makes the former

¹ *N. Y. Col. Docs.*, vol. i, pp. 37-38.

pass "at the rate of six white or three black beads for one stiver," and the latter "at the rate of eight white or four black for one stiver."¹ The director general and council ruled in 1658 that payments in wampum above a certain sum² should not be valid in law "unless a written agreement or acknowledgment of the parties convince the judge."³ Then there were the silver coins of the Fatherland, the stiver (two cents), the guilder, carolus guilder, or florin (forty cents); hence there was always need in contracts to specify the kind of currency. Just as old Amsterdam in the sixteenth century gathered into its coffers coins of all descriptions and made a business of regulating values, so New Amsterdam went through a similar experience and the complexity increased with English occupation and the entrance into the harbor of ships flying every known flag. Along with payment in the previously mentioned Indian wampum and Dutch stivers, guilders and florins, and those in English pence, shillings, and pounds sterling, we read of pounds Flemish, current money of Curaçoa, Boston currency, Spanish pieces of eight (in whole and half pieces) double doubloons, pistoles and half pistoles, reals and half reals.⁴

Reverting again to the seal, we note the arms of a windmill and the barrels. These symbolize the municipal privilege or monopoly of making and packing flour for exportation that was granted by Governor Andros in 1680.⁵ This was an industrial opportunity by which the city profited remarkably. In colonial New York there would have been

¹ *Records of New Amsterdam*, vol. i, p. 16.

² The sum was twenty florins (about \$8 in our money).

³ *Rec. N. Am.*, vol. i, p. 41.

⁴ For many of these terms see *Mayor's Court Minutes*, September 30, 1707, *Pearsall vs. Hamilton*.

⁵ *M. C. C.*, vol. i, p. 80.

no such question about the size and cost of a loaf of bread as aroused so much controversy in 1915.¹ These were matters of municipal regulation even in the early years of the Dutch city, and there is on record an interesting petition of the city bakers to the burgomasters and schepens, under the date of April 18, 1659, as follows:

We represent whereas the wheat is at present become very dear, the skepel of wheat not being to be bought from the sellers under four guilders in beavers that your Honors would be pleased to fix another and a higher value on the bread. . . . 'Tis notorious and known that those of Fort Orange where the grain is easier to be had and more abundant sell the loaf of 8 lbs. for 20 stivers each. The expense of bringing 400 skepels to the mill . . . must pay for freight thereof fl. 120 and fl. 120 for the mill toll and besides this 40 fl. for bringing it up and down; being in all 280 fl. in expences pledging themselves to use all possible diligence to provide your Honors and the Burghers with bread.²

No ordinance occurs with more frequency in the *Common Council Minutes* than the "Assize of bread." One of the earliest of these bears the date of October 17, 1677, and reads as follows:

Whereas it hath Pleased God of his infinite mercy and goodness this last Yeare to Send a good and Plentifull Crop of graine in this Colony as well as other Islands and Plantacons Adjacent which wee pray may be continued and that the Poor may Reape the benefit thereof and have Bread at Reasonable Rates It is hereby ORDERED that Bakers within the Citty & the Liberties thereof Shall Sell bread at ye Severall Rates and prizes followeing upon Paine not onely of Loosing all such bread as shal be made and found in their Shops or put to sayle

¹ *New York Times*, February 10, 1915.

² *Rec. N. Am.*, vol. vii, pp. 219-20.

but be Liable to such former orders as have been made in this Case.¹

Then follow nine loaves of varying quality and weights, with the prices in stivers attached.

In ordinary seasons the price of wheat was three shillings a bushel; the usual price of a white loaf was one and one-half pence and the weight of the same varied from twelve to sixteen ounces, with the price of wheat. All bakers were required to bake all the kinds specified in the assize. One can easily imagine times when the margin of profit under a given assize would be so small that bakers would be "all sold out" very quickly. This may explain an order of the common council, of January 21, 1686, specifying days on which given bakers must "bake Each one batch of white and Course bread at Least."²

Bakers then, as well as now, were tempted not to give full weight. In the minutes of October 23, 1685, we read that Jacob Decay (De Kay), Reiner Willimson and Anthony Demilt, themselves bakers "Approved by the Rest of the bakers," were appointed by the common council as "Supervisors of Bread." They took oath that they would, when required, "give their Judgement [upon] the view of any bread to be baked within this Citty Whether the same be according to the Standard of this Citty or noe."³ The same three men were further ordered to bring in a list of bakers, "Necessary and fitt for that imployment."⁴ Sometimes, too, a baker was tempted to sell bread that was stale or poorly baked. David Provost, who was later an assessor in the Dock Ward⁵ and whose son was mayor in 1699,⁶ was

¹ *M. C. C.*, vol. i, p. 65.

² *Ibid.*, vol. i, p. 176.

³ *Ibid.*, vol. i, p. 172.

⁴ *Ibid.*

⁵ *M. C. C.*, vol. i, p. 366.

⁶ *Ibid.*, vol. ii, p. 90.

brought before the mayor's court at one time "for having bad breed not fitt for Sale." The court let him off, cautioning him to be careful in the future.¹

That creature sometimes pictured with horns and cloven feet must have whispered into the ear of the shipper of flour that his profit would be materially increased if he made his barrels a trifle smaller. So, as early as March 6, 1675, we read of "the confirmation of Mr. Christopher Hoghland in the office of Surveyor and Brander of Bread and flower."² At a later date (July 4, 1692) a committee of six citizens was ordered to agree upon a definite size for "Hogdsheads & Tierces for Biskett and Pease, whole and halfe Barrells for Flower."³ And at the same session of the court three shippers, John Vandespregel, John Hardenburgh, and John Clapper, pleaded guilty to the charge of "Marking False Teare upon Caske of Flower Bread Pease &c, for Transportation." They were fined twelve shillings each.⁴ Even the farmer who produced the corn for the miller to grind and the shipper to pack had to be watched to see that he did not fill his measure partly with dirt or chaff. This we may know from the common council ordinance of May 31, 1684: "Ordered that Mr. Alderman Bayard and Mr. Jacobs Doe Draw up Orders that Corne may be well Cleaned before Sent to the Mill and Present the Same next meeting."⁵

It was at this same time that Governor Dongan issued his proclamation, that for the future "noe flower be Bolted or Packed nor Breade made for Transportation in Any Place whatsoever within this Government Except in the Citty of New-Yorke."⁶ This but confirmed the privilege granted by

¹ *Mayor's Court Minutes*, January 25, 1681.

² *Ibid.*, March 6, 1675.

³ *Ibid.*, July 4, 1693.

⁴ *Ibid.*, July 4, 1693.

⁵ *M. C. C.*, vol. i, p. 152.

⁶ *Ibid.*, vol. i, pp. 152-3.

Governor Andros four years previously,¹ a privilege which the records show has always been jealously guarded. In the spring of 1683, rumors reached the ears of the city magistrates that in defiance of the law, flour for sale and transportation was being imported daily into the city. Warrants were issued at once to the sheriff "to Seize all such flower as shall be bolted and packed in any Other Place and Braught or Imported into this City whether on Board any Vessell or Landed."² Scarcely a week had passed before the deputy marshal, Benjamin Collier, reported to the mayor's court that "one hundred forty barrells and 16 halfe barrells of flower had been Seized from on board the Brigantine *Hopewell* John Schouton master." The jury found this flour to have been brought from Albany "without ye Libertys and Precincts of this Citty"; it was declared forfeited to the city.

The sloop *Mary* was also found to have on board ten barrells and eight half barrells of flour, this too from Albany; this was likewise condemned. Even Colonel Lewis Morris, destined later to become Chief Justice of the Supreme Court of the province, was an offender. Eleven barrells and three half-barrells which were found to have been "brought from his Plantacon against Haerlem" were condemned.³ Two days later all these forfeitures were remitted, the owners having pleaded ignorance of the laws and having given assurance that no "contempt or slight of Authority" was intended.⁴

From the earliest times the magistrates of the city protected diligently its local tradesmen. Rarely do we have in these days a distinguished visitor who is not granted the "freedom of the city" when he is welcomed by the mayor.

¹ *M. C. C.*, vol. i, p. 80.

² *Ibid.*, vol. i, pp. 94-6.

³ *M. C. M.*, May 1, 1683.

⁴ *Ibid.*, May 3, 1683.

This freedom, in the infant city was indispensable for a shopkeeper or "Handi Craft man," and in 1676 it cost the former six beavers and the latter, two beavers, "Unless by 'Speciall order of Court.'" The cost, in 1691, in English money was £3 12s for the former and £1 4s for the latter, plus the fee the mayor might claim.¹

This was not a new idea introduced by the English, however, for it corresponded to the burgher right of the Dutch city. Note this warning of the schout and burgomasters under date of March 29, 1657: "No one can sell in this City by ell,² measure or weight, or do any other business unless he have received the Burgher-right of this City, and have his ell, measure or weight stamped; and who-soever is inclined so to do shall have to apply, to receive their Burgher right, to the Presiding Burgomaster Allard Anthony, and for the stamping their ell, measure and weight shall apply at the City Hall of this City on the afternoon of Saturday from two to four o'clock."³ In receiving the right the burgher had to take oath to show respect and reverence to the present and all future burgomasters and "to obey them in all honest and just matters" so long as he should continue in the province.⁴

The city fathers were also on the watch for itinerant traders who might enter the harbor with their ships and try to do some business here, and up the river, with no idea of settling permanently. Certain Scotch traders are particularly mentioned. By an ordinance of March 9, 1660, they must have obtained the burgher right and kept an open shop within the city before they could go on with their merchandise to Fort Orange or elsewhere in New Netherland.⁵ This ordin-

¹ *M. C. C.*, vol. i, p. 222.

² ell = 2 ft. linear measure.

³ *Rec. N. Am.*, vol. vii, pp. 147-8.

⁴ *Ibid.*, vol. vii, p. 154.

⁵ *Ibid.*, vol. iii, p. 143.

ance was strengthened by resolutions of the governor and council about two months later, when they fixed the time at six weeks during which the merchant must keep an open shop within the city before trading elsewhere.¹ Yet another ordinance some months later (February 25, 1661) provided that an absence from the city for four consecutive months, "without holding fire and light here," carried with it a forfeiture of burgher right. However, burghers who had resided and maintained an open store for six consecutive weeks "might trade elsewhere on the payment of 20 guilders "over and above their burgher-Right." ²

It is interesting to note that the burgher right carried with it protection against having one's goods attached by any stranger or even another burgher, a custom that came from old Amsterdam. The court of burgomasters and schepens ruled such an attachment illegal, in May 1656.³

Trade in liquors then as now required special licenses and occasioned no end of trouble. In the year following the chartering of the city the governor and council consented to a burgher excise on liquors consumed within the city.⁴ So the burgomasters and schepens proceeded to provide revenue for the city's treasury by levying a tax as follows: for every tun ⁵ of good beer sold within the city, the government was to receive 20 stivers; for each half barrel, 10 stivers; for one anker or quarter, 5; for each tun of small beer, 6; for each half barrel, 3; for each anker, 2; for each anker of brandy, Spanish wine or distilled waters, 30; and of French wines, half as much.⁶

And they proceeded to regulate matters very thoroughly.

¹ *Rec. N. Am.*, vol. vii, pp. 256-7.

² *Ibid.*, vol. iii, pp. 270-1.

³ *Ibid.*, vol. ii, pp. 98-9.

⁴ *Ibid.*, vol. i, p. 169.

⁵ tun = liquid measure of about 250 gallons.

⁶ *Rec. N. Am.*, vol. i, p. 17.

Burghers or tapsters or tavern keepers who wished to lay in or export any beer or wine had to pay therefor the proper excise to an official named as "Receiver." Two men were appointed as wine and beer porters; they alone had the right of handling, opening or moving from one storehouse, cellar or brewery to another any wine or beer; they alone could bring any beer from outside into the city, "under forfeiture of the wines and beers and arbitrary correction at the discretion of the Court." Furthermore, the schout was authorized to inspect, with two members of the court, as often as he deemed necessary the cellars of the tapsters and to gauge all the barrels. He might seize all wines and beers not reported or for which no excise had been paid.¹

In 1656 a "Farmer" of the burgher excise on wine and beer² took the place of the "Receiver." This position was first awarded to Paulus von der Beeck, who bid 4220 Carolus guilders³ for it, for the year ending November 1, 1657. Paulus agreed to pay to the burgomasters a fourth part of this rent "precisely every quarter" and to furnish two bondsmen. The excise fees he was to collect were virtually the same as those prescribed in the ordinance of 1654. He was entitled to these fees from the company's and city's servants, as well as from all burghers and tavern keepers.⁴ At his request the court (November 20, 1656) fixed definite office hours for collecting, *viz.*: eight to eleven and one to four, no licenses to be granted at any other time, "except occasionally to some strangers who would wish to take away wine or beer."⁵

Scarcely had the question been settled, that the officials of the city as well as the representatives of the West India

¹ *Rec. N. Am.*, vol. i, pp. 17-8.

² *Ibid.*, vol. ii, p. 209.

³ Carolus guilder = about 40 cents.

⁴ *Rec. N. Am.*, vol. ii, p. 210.

⁵ *Ibid.*, vol. ii, p. 228.

Company were not to be exempt from paying the excise, when another interesting question arose. Ought brewers to pay excise on the beer consumed in their own families? It reflects the good sense of the burgomasters and schepens of that early time that an affirmative answer was given. In the same ordinance the farmer was allowed to inspect the breweries whenever he thought proper. For every brewing, large or small, a six-florin fee was imposed. A permit carrying with it a fee of four stivers was necessary, if any brewer wished to remove any beer from the brewery to a storehouse or elsewhere. Furthermore, in justice to the brewers it was ordained that all importers of wine or beer must "make a bargain" with the farmer about the excise on what they intend to consume in their own houses, subject to an order of the court if they cannot come to an agreement.¹

To a great extent the New Amsterdam officials in these ordinances were imitating the practices of Old Amsterdam. Another thing they soon did in further imitation was to appoint a "Surveyor and Guager," whose business was to measure and properly stamp casks and barrels. Henceforth no one could deliver unstamped casks under a penalty of twenty-five florins. Weinaar Wessels was the first appointee to this position; he was entitled to fees for his work of measuring and stamping varying with the size of the barrel.²

All the aforesaid regulations are concerned with liquor as a commodity subject to an excise or tax. We have yet to deal with the saloon keepers, known at that time as tappers or tapsters. By an ordinance of the director general, January 9, 1657, published with the approval of the schout, burgomasters and schepens, all such were re-

¹ *Rec. N. Am.*, vol. i, pp. 27-8.

² *Ibid.*, vol. i, p. 29.

quired to procure a license every three months¹ and to pay into the city treasury for the same one pound Flemish.² All tapsters who wished to continue in the business were bound to call within twenty-four hours of the above date at the house of Mr. Allard Anthony, treasurer of the city, and procure licenses, on the penalty of having their shops closed and paying a fine of twenty-five florins. We find the price of beer, as well as that of bread, regulated by law. The sum of "twelve stivers the vaan" (the vaan = two quarts) was the maximum price that could be charged, under the same penalty as stated above.³ About two years later (November 11, 1658) a further ordinance established prices as follows:

The vaan of beer ⁴	6 stivers in silver,	9 in beavers,	12 in wampum
The pot of French wine 18	" " "	24 " "	36 " "
The pot of Spanish wine 24	" " "	36 " "	50 " "
The quatern of brandy 5	" " "	7 " "	10 " "

We are not surprised to read that "daily complaints" were made to the city magistrates, in 1657, that many tapsters and tavern keepers to keep their business going detained such persons

as for their own sake and advantage would better attend to their occupations and protect their families honorably with God's help, but cannot make up their minds to it, because of the pleasures they find in drinking and jovial company by which they not only spend their daily earnings but also when out of money pawn the goods serving to the necessities of their families and thereby obtain the means of continuing their usual drinking bouts. Their wives and children suffer in

¹ The mayor's court of March 4, 1672, required licenses to be taken out annually on March 25.

² Equals six florins (\$2.40).

³ *Rec. N. Am.*, vol. i, p. 28.

⁴ *Rec. N. Am.*, vol. i, pp. 41-2. On June 21, 1661, the price of beer per vaan was increased to 12½ stivers. Cf. vol. iii, p. 333.

consequence and become a burden to the Deaconry of this City.¹

Rarely do you find language of two and a half centuries ago that might have been written yesterday almost as well. The liquor dealer of that day, however, was the pawn broker as well, as is evidenced by the subsequent regulation that forbade tapsters and tavern keepers to "receive in pawn" any goods and sell drinks therefor, under penalty of twenty-five florins for the first offence, fifty florins and a six weeks' suspension of their business for the second, and closure with restitution of pawned property for the third.²

Still another ordinance of the old Dutch days relates to Sunday sale of liquors. No tavern keeper or tapster could open his place or sell any drink before or during the sermon. On Sunday night—indeed every night—"after guard mounting or bell ringing," the same prohibition was in force, "except to his servants, boarders, or on public occasions with the consent and by order of the Magistrates."³ This is an interesting exception, a survival of which appears in our most recent excise legislation, the Raines law.⁴ The argument that is made intermittently for the opening of the saloons on Sunday after one P. M.⁵ may be traceable to the Dutch tapster's opportunity to sell on Sunday after "preaching" and before "guard mounting."

The fondness of the Indians for "fire water" had occasioned still other regulations at a very early date.⁶ The provincial authorities fixed the penalty at 500 carolus guilders, "besides the responsibility of the mishaps resulting

¹ *Rec. N. Am.*, vol. i, pp. 33-4.

² *Ibid.*, vol. i, p. 34.

³ *Ibid.*, vol. i, p. 24.

⁴ Act of Assembly, passed March 23, 1896.

⁵ See newspapers shortly after passage of Raines Law.

⁶ July 1, 1647. *Rec. N. Am.*, vol. i, p. 3.

therefrom." Later they added "arbitrary corporal punishment," declaring it to be better "that such evil doer be punished, than that a whole country and community suffer through him."¹ Furthermore the testimony of an Indian was to be valid in such cases. Nevertheless we find this ordinance apparently forgotten in 1658 for on August 12, the governor's deputy stated to the court that "considerable brandy is sold by the Burghers to the Indians."² He proposed strict regulations and a penalty of 250 florins, but no action is recorded. In the year before the first English occupation, the burgomaster's court proclaimed a renewal of the prohibition to "draw any strong drink for the Indians or natives of this country," as well as to "tap any drink or entertain clubs on the Sabbath."³

The liquor ordinances of New Amsterdam were either reenacted or rather closely copied by the subsequent governments.⁴ In the year 1676, however, Governor Andros and the court of mayor and aldermen resolved to do away with all excise fees, although a license to sell was still necessary.⁵ Only licensed houses could sell less than ten gallons.⁶ Twenty-four such licensed places appear in the records for 1680.⁷ Governor Dongan, in 1683, proclaimed that none could receive such licenses in the city or elsewhere without first obtaining a certificate that they were "of good life & Conversation and fitt to keep such a house."⁸ The fee for a license in the city, as declared in the common council minutes of April 24, 1686, was not to exceed five

¹ *Rec. N. Am.*, vol. i, p. 10.

² *Ibid.*, vol. ii, p. 418.

³ *Ibid.*, vol. iv, p. 225.

⁴ For the New Orange ordinances, *ibid.*, vol. vi, pp. 403-6.

⁵ *M. C. C.*, vol. i, p. 16.

⁶ *Ibid.*, p. 15 (at first this amount was one gallon. *Ibid.*, vol. i, p. 16).

⁷ *Ibid.*, vol. i, pp. 80-81.

⁸ *Ibid.*, vol. i, pp. 100-101.

pounds.¹ A later ordinance, of March 22, 1715, increased the license fee to thirty shillings.² In special cases—the first one recorded is in 1715³—a license was granted gratis. The person so favored might be an object of charity, a widow,⁴ or an officer of the corporation.⁵

An interesting attempt to secure community responsibility occurred on August 25, 1676, when the mayor and council issued this order: "if Any Indians shall be Seene Come out Drunke of any House That itt shall bee a Sufficent Conviction And if Seene Drunke in the Streets and the house not found Out or knowne where hee or Shee was made Drunke The whole Street to bee finable."⁶ The order would be still more interesting if any instances of its enforcement were known. For some reason the city officials after Leisler's rebellion seem to have relaxed, for we read that liquors might be sold to the Indians in quantities above five gallons by "Retaylers." The penalty, too, for selling a smaller quantity was but nine shillings.⁷ Before Governor Dongan granted his charter, the city government did not have the benefit of the license fees; this benefit was asked for in the petition of September 27, 1683;⁸ the request was at first denied,⁹ but subsequently conceded.¹⁰ As soon as the city became recipient of the license fees, the mayor, it was, instead of the governor, who required all "Taverne Keepers, Inn Keepers Ordinary Keepers Victuallers and all Publick Sellers of wines, Strong waters, Syder, beere, or any other Sort of Liquors by Retaile," to appear personally

¹ *M. C. C.*, vol. i, p. 178.

³ *Ibid.*, vol. iii, p. 91.

⁵ *Ibid.*, vol. iv, p. 207.

⁷ *Ibid.*, vol. i, p. 223.

⁹ *Ibid.*, vol. i, p. 111.

² *Ibid.*, vol. iii, p. 87.

⁴ *Ibid.*, vol. iv, p. 314.

⁶ *Ibid.*, vol. i, p. 25.

⁸ *Ibid.*, vol. i, p. 110.

¹⁰ *Ibid.*, vol. i, p. 291.

before him to take out their licenses.¹ Violations of the aforesaid ordinances and of similar ones proclaimed later fill many a page in the minutes of the court of the burgomasters and schepens and of that of the English mayor.

A certain Abram Carpyn, at various times summoned before the mayor's court, was ordered, June 11, 1667, to prove for what trade he laid in a certain anker of rum, as he was "much suspected of selling strong drink to the Indians." This was the more probable, since the anker of rum found in his house was "half water."² At a subsequent session of the court the rum was confiscated, as smuggled, and Carpyn was told that he must depart from the city if another Indian should enter his house.³ On the testimony of one Indian that Anna Koex sold drink to another Indian, "upon Sabbath day Last," she was penalized eighty guilders wampum plus the cost of the suit.⁴

In the burgomasters' court of New Orange one Jan Dircksen Meyer was accused by Schout Anthony de Milt for acting as tapster without a license and condemned to pay a fine of thirteen florins ten stivers.⁵ Francois Miserty, a tapster, was brought before the same court, January 17, 1674, by the schout, who found three persons "sitting drinking" in his house. The tapster tried to make out that the three brought the drink to his house and so drank, but the court did not see it that way and fined him twenty-five florins.⁶

The last session of the burgomasters' court of New Orange was held, November 9, 1674. After that the mayor

¹ *M. C.*, vol. i, p. 184.

² *Rec. N. Am.*, vol. vi, p. 76.

³ *Ibid.*, vol. vi, p. 87.

⁵ *Ibid.*, vol. vii, p. 6.

⁴ *Ibid.*, vol. vi, p. 100.

⁶ *Ibid.*, vol. vii, p. 44.

and aldermen were in control again and sheriff displaced schout. One of the earliest records of the new court calls for papers in the English language instead of the Dutch.¹ But it is the same community with the same sins as before. Otto Gerritson, a tapster, whom the court of burgomasters the previous year, on complaint of the schout, fined for tapping without a license,² is now caught by the sheriff repeating the offence. He claimed he had permission to sell from the collectors of the tappers' excise, but he failed to prove it and was again fined.³ Mrs. Poole was found guilty of the same offence on the same date. The Indians liked rum just as well as they did when the Dutch ruled and they found people who would defy the laws to sell it to them. Abel Hardenbrook was accused by the sheriff of selling to them, April 30, 1678, but on a sworn statement made by his wife he was cleared.⁴ After his death his widow continued the business, including the illegal side of it, and was convicted and fined.⁵ The usual story of drink and the negro is repeated in that session of the court in which a certain colored man named Swan, together with his wife, confessed "to selling drinks to Negroes and entertaining them at unseasonable hours." "Twenty five shillings and costs."⁶

Any white tapster appears to have been under suspicion if he had any dealings whatsoever with negro slaves. One John Webb, who exercised "the Art trade and Mystery of buying and selling Wines and other liquors," came before the mayor's court, August 5, 1712, suing Abigail Cogan for £50. He claimed there had never been a suspicion be-

¹ *M. C. M.*, November 17, 1674.

² *Rec. N. Am.*, vol. vii, pp. 10, 29.

³ *M. C. M.*, December 2, 1674, February 9, 1675.

⁴ *Ibid.*, April 30, 1678.

⁵ *Ibid.*, August 31, 1680.

⁶ *Ibid.*, December 7, 1680.

fore of his trading or dealing with any slaves. The said Abigail, however, in the hearing of many neighbors, used "false feigned Scandalous and opprobrious English words" to the effect that John and his wife "Received Goods Bonnets and Other things of Negro's." At first the jury declared Abigail guilty. She prayed for an arrest of judgment and two months later the court reversed the decision.¹

We have some definite information as to how extensive this whole trade in liquor was in the early eighteenth century compared with that in other commodities, in the reports of Thomas Weaver, collector of his Majesty's revenue in the province of New York. For instance, his report for the quarter ending September 25, 1701 shows customs on rum — just for that quarter — to have amounted to £207:19:6, on wine £97:0:8, making a total for "wet goods," of £305:0:2. This was more than double the customs received from "dry goods", which was £149:10:1¾.²

The English conquerors inherited from the Dutch in 1664 two markets or market places. One of these had been established in 1656, "on the beach, near or in the neighbourhood of Master Hans Kierstede's house,"³ by order of Director Stuyvesant and his council.⁴ Saturday of each week was the appointed day when "meat, pork, butter, cheese, turnips, carrots and cabbage and other country produce" might be brought for sale to the spot made familiar by the West India Company's store. The other was a creation of the burgomasters in 1659,⁵ located in the broad space north of the fort, the present site of Bowling Green. This was

¹ *M. C. M.*, August 26, 1712, October 21, 1712.

² *New York City Records*, "Conveyances," vol. xxx.

³ Stokes, I. N. P., *Iconography*, vol. ii, plates 82 and 82, e.

⁴ *Rec. N. Am.*, vol. ii, p. 169.

⁵ *Ibid.*, vol. vii, p. 219.

declared to be "a Market for fat and lean cattle," to be held for about forty days continuously every fall; notice of the same had been given to several neighboring villages.¹ The "Market by the Strand" apparently was without structure of any sort, produce being sold from basket or boat or canoe; the "Broadway Shambles," however, was a tile-roofed building substantial enough to be maintained under lock and key.

A slaughter excise with a farmer of the same, and sworn butchers was also a part of the Dutch establishment. Farming the excise was auctioned off to the highest bidder,² and the farmer was entitled to receive fixed fees for the different animals slaughtered.³ No one was allowed to slaughter without a permit from the farmer under penalty.⁴ Denton said of the surrounding country, especially of Long Island, in 1670, that it was "plentifully stored with all sorts of English Cattel, Horses, Hogs, Sheep, Goats, &c. no place in the North of America better."⁵ A horse or mare, four years old, was valued in 1665 at about £12, a good cow at £5, and a hog at £1; whole beef was worth two pence a pound; pork, three pence; butter, six pence.⁶

There occurred no appreciable change in this general market system for several years after English rule commenced. Timotheus Gabriele, the farmer of the slaughter excise in 1665, was warned to go and inspect cattle before he granted a license to slaughter, in order that the city might not be defrauded. To the sworn butchers a slight increase in fees

¹ *Rec. N. Am.*, vol. vii, pp. 215-6.

² *Ibid.*, vol. ii, pp. 208-9.

³ *Ibid.*, vol. ii, pp. 222-3.

⁴ *Ibid.*, vol. ii, p. 232.

⁵ Denton, Daniel, *Description of New York*, p. 5.

⁶ Wood, Silas, *Sketch of the First Settlement of the Several Towns on Long Island*, pp. 16-17.

was allowed; also they were protected in their business by a reënactment of the Dutch ordinance forbidding others to slaughter.¹

With the advent of Governor Andros in 1675 came among other things the proposal of an annual fair for three days in early November, "for all graine, Cattle, or other produce of the Country."² This proposal was made at the general court of assize and was embodied in the governor's proclamation of January 29, 1677. Anticipation of a fair had produced an item in the agreement for the ferry grant at Spuyten Duyvel in 1669 whereby free passage was to be granted droves of cattle and horses during the time of a fair, as also a day before and a day after its expiration.³ The governor's proclamation provided that any one attending the fair should enjoy freedom of arrest for debt; also the location was fixed "att the markett house & Plaine afore the Forte."⁴ In the same proclamation the governor ordered, "by the advice of my Counselle & Court of Mayor and Aldermen," a weekly market on Saturday, for which there was "a fitt house beinge now built by the Water Side neare the Bridge and Weighhouse." The reader will observe that the same two localities used by the Dutch are plainly indicated in this proclamation; now, however, there were market houses in both places, of which fact the Dongan charter, issued only a few years later, bears evidence.⁵ The order of Governor Andros heretofore mentioned was to be in force for three years, commencing March 24, 1677; just as the time limit was about to expire, the mayor and aldermen ordered the Saturday market at the bridge and weighhouse to "be Con-

¹ *Rec. N. Am.*, vol. v, p. 312.

² *M. C. C.*, vol. i, p. 4.

³ *Ch. v*, p. 149.

⁴ *M. C. C.*, vol. i, pp. 40-41.

⁵ Dongan charter in *M. C. C.*, vol. i, p. 291.

tinued kept and observed as afforesaid." They decided that there should be a Wednesday market also at the same place, "for ye Better Supply of ye Cytie."¹

When Governor Dongan agreed, in 1683, that the city should have the benefit of the market and the market house, he introduced the proviso that the governor should appoint a clerk of the market to "see after ye Weights & Measures, & due Regulation of ye Market"; also that no produce should be sold from "any vessel boate or Canoe," and that nothing except butcher's meat should be sold except on Wednesday and Saturday.² These limitations did not meet with the favor of the common council and a committee of four was appointed to confer with the governor about the market house and other matters,³ with the result that the conditions about the market were "wholy taken off."⁴ This left the municipal officials free to make their own market regulations; these were prepared promptly, ordered published on March 15, 1684, and to be put in execution "ye week After Easter." The following are some of the more important provisions:

The sale of meat was confined to the bridge market on Tuesday, Thursday and Saturday at specified hours, the ringing of a bell to mark the opening and the closing. "Fish Butter Cheese Eggs Poultry fruite Rootes, and herbs," however, might be sold every week day "att Anytime in this or other Convenient places." The sale of any stale produce or foul meat was liable to a forty shilling fine. Anything like butter or cheese, ordinarily sold by weight, must be sold that way invariably. Such was the desire for fresh eggs, butter and poultry even in those days that a forty shilling penalty awaited any huckster, if he were to "en-

¹ *M. C. C.*, vol. i, p. 76.

² *Ibid.*, vol. i, p. 111.

³ *Ibid.*, vol i, p. 121.

⁴ *Ibid.*, vol. i, p. 127.

grosse" such.¹ Neither could any one buy any produce in the market "to Retaile there Againe." The mayor and aldermen were to appoint a clerk of the market to see that these regulations were observed and to lease stalls in the market house to such as desired them.²

In the following July the governor expressed a wish that the market place be removed to "the Vacant ground before the Fort." While the subsequent order of the court leaves much to be desired in the way of clarity,³ the minutes of later years show that the pressure of increasing commerce suggested the use of the market house, situated so near the dock, preferably as a storehouse or warehouse under a keeper's charge, who collected on commission at specified storage rates.⁴ "The Green before the ffort" was surely the location of a "Butchers Shamble"⁵ in 1691, and probably other provisions had been sold there. The year 1691 marks the first great expansion in the city's markets. This was the outcome of the report of a committee of the common council, on April 18. A second meat market was established "under the trees by the Slipp,"⁶ and the "Country People Shall bring flesh to Either of the two places Sueiting there best Conveniency." To the same places butter, eggs and poultry were also to be brought. A separate market place, however, was established for fish, fruits and vegetables, "over against the City Hall or the house that

¹ Cf. Green, Mrs. J. R., *Town Life in the Fifteenth Century*, vol. ii, p. 39, for limitation of engrossing and forestalling in the town markets of England.

² *M. C. C.*, vol. i, pp. 139-40.

³ *Ibid.*, vol. i, p. 151.

⁴ *Ibid.*, vol. i, pp. 179, 192, 194, 195, 202, 203.

⁵ *Ibid.*, vol. i, pp. 215-6.

⁶ The "Old Slip;" for this and other localities in the next few pages, cf. Stokes, *Iconography*, vol. i, plate 30.

Long Mary formerly lived in." The markets were declared open by the ringing of a bell at seven on Tuesday, Thursday and Saturday, although it was recognized that unfavorable tides or weather might give sufficient cause for selling on a different day. Sales in any other locality, however, were forbidden. No one could buy anything to sell again "till it hath bin two houres in the Markett."¹

In July of the same year a committee was appointed "to build a Markett house att the End of the Heeregraft Street for all but Butchers Meate."² It is reasonable to believe that this house was planned out of consideration for those who had been using the neighboring Coenties Slip locality, which had been prescribed for fish, fruit and vegetables; it would be convenient, also, to the dock. At any rate, it was more than fifteen years thereafter when a separate market house was constructed on the north side of Coenties Slip.³ Previous to 1731 two additional market houses had been constructed farther up on the East River shore, at Burgers Path⁵ and the east end of Wall Street,⁵ respectively. Whereas the early houses had been built by the corporation, the later ones were constructed at the expense of the inhabitants of the community immediately benefited, permission first having been obtained from the common council. At one time during the second intercolonial war the common council complied with an order of the governor to set apart all the market houses, except the one at Burgers Path, for the carpenters to build bateaux in.⁶

In order to get meat, animals have to be slaughtered; even then no community found comfort in the near presence of a slaughter house (or a tannery), and one of the earliest

¹ *M. C. C.*, vol. i, pp. 217-8.

² *Ibid.*, vol. i, p. 231.

³ *Ibid.*, vol. ii, pp. 302-3.

⁴ *Ibid.*, vol. ii, pp. 147, 352.

⁵ *Ibid.*, vol. ii, p. 385.

⁶ *Ibid.*, vol. ii, p. 444.

English records ordered such a structure banished from the city limits.¹ As a result Smiths Fly, just beyond the wall on the East River shore, became the location of the city's butchery.² Messrs. Levy and Rose, to whom was given the privilege to construct the same, were allowed to receive such fees as had formerly been paid. In the abovementioned regulations of 1691, the prohibition of slaughtering "within the Citty gates" was reiterated.³ For some inexplicable reason we find this ordinance repealed a few months later;⁴ we are therefore prepared to hear in a few years the same old complaint of "Great Nuisance" and "Noisome Smell of ye filth" in connection with some structures in Queen street; slaughtering there must stop, said the common council.⁵ In the same year, 1696, Ebenezer Willson, city treasurer, was granted permission to construct a slaughter house on the East River shore "on ye West Side of ye house of Thomas Hooks."⁶ The land was ordered surveyed for a building, in dimension twenty by a hundred feet, a pretentious structure for those days. While subsequent records are too meagre to yield unalterable conclusions, this house was probably constructed to supplement the establishment of Levy and Rose, because of the increasing business. Mr. Willson probably did not conduct the slaughter house in person, judging from the fact that he soon became high sheriff and then mayor. An ordinance of November 9, 1698, limited butchering once more to "the publick Slaughter houses by the water side," and the enforcement was made more possible by a further direction that "No Cattle be landed but att the Nearest Convenient place to the slougher

¹ *M. C. C.*, vol. i, p. 20.

² *Ibid.*, vol. i, p. 46.

³ *Ibid.*, vol. i, p. 217.

⁴ *Ibid.*, vol. i, p. 244.

⁵ *Ibid.*, vol. i, p. 408.

⁶ *M. C. C.*, vol. i, p. 404. A desirable location beyond the wall adjoining the terminal of the ferry from Long Island.

houses.”¹ By 1720 these slaughter houses had also become “a Publick Nuisance”; the expansion of the city, too, suggested that “more Convenient and Ornamental Buildings” be erected “there and in that Neighbourhood.” So John Kelly on his petition was granted permission to build houses and a pen at a point still farther along on the East River shore near the “dwelling house of Mr. John Deane.” His twenty-one year monopoly was attended with many obligations. At least three “substantial” houses and a good-sized pen were to be constructed within about nine months. These were to be equipped with all the necessary apparatus, kept always in repair and “well and sufficiently scoured & Cleansed.”² It was made clear to certain violators in the Out Ward that any slaughtering in “House Barn Stable Out House Yard Orchard Garden Field or Other place within the Said Ward (Except for his her or their Own proper use)” would meet with penalty.³

The year 1731, then, reveals to us the above-mentioned slaughtering establishment of John Kelly, and markets in front of the fort at Broadway, at the foot of Broad Street, at Coenties Slip, Old Slip, Burgers Path, and at the east end of Wall Street.

Our truckmen of today were always known as cartmen or carmen in the infant city. The municipal authorities today require all truckmen to be licensed before they can do business. In the beginning it is interesting to note that the carmen themselves were responsible for such a practice. Eight carmen presented a petition to the mayor's court, April 16, 1667, requesting that they be recognized as a guild and that all new comers be forbidden to cart within the city. The request was granted “until more carters are required.”

¹ *M. C. C.*, vol. ii, p. 65.

² *Ibid.*, vol. iii, pp. 249-51.

³ *Ibid.*, vol. iii, p. 380.

The court bound them, however, in time of fire to repair to the fire and render all possible assistance in extinguishing the flames.¹

The court in its session of December 17, 1667, laid down certain conditions on which the carmen might ride in their carts instead of walking beside them. They were to drive slowly. They were to suffer forfeiture of both horse and cart in case they hurt any one while riding. If a carman caused a person's death, his own life "shall be under the lapse of the Lawe."²

These carmen "do manny times use ill and bad Language to the Burghers," was the astonishing complaint necessitating action by the burgomasters and schepens a few months later. Dismissal from service was to be the penalty if henceforth burghers and strangers were not used "Civilly."³

On November 29, 1670, another petition on their part to the governor was referred to the mayor's court. They requested "to be confirmed in their places," promising to give satisfaction to everyone employing them, to fill up holes in the roads about the city and do other such public work as the authorities should command. Their petition was granted, provided they did as they promised and provided also that they take turns every Saturday afternoon carting away to some convenient dumping place the dirt from the paved streets. This dirt was to be loaded upon the cart by the owners or tenants of the houses on the said streets. The carmen must also agree to the fixed price of "ten Stivers in Seawant & No more" for a cartload of any kind of goods carried any where "within the Gaets."⁴ There were ten

¹ *Rec. N. Am.*, vol. vi, p. 70.

² *Ibid.*, vol. vi, p. 105.

³ *Ibid.*, vol. vi, pp. 217-8.

⁴ *Ibid.*, vol. vi, p. 273.

of these "Confirmed" carmen.¹ During the next year complaints were filed against several of them and they were summoned before the court. They "made their Excuses and promised for the future to be verry Delligent and performe the said Orders," after which they were again named as the city's carmen, February 13, 1672. In addition to the original articles of agreement, there was now to be an overseer elected annually by the court from two of their own nominees. Furthermore, in case of further just complaints against them, they would forfeit their places.² There were more complaints two years later, that "several carters refuse and are unwilling to ride timber, stone and other materials for the City and public service"; but the burgo-masters and schepens contented themselves with resolving "that on the first refusal or exhibition of unwillingness their horses shall be immediately untackled, and they be deprived of their places as carters."³ Charles Floyd was elected as the first overseer or foreman of the carmen for the year commencing March 5, 1672.⁴ In the last days of the Dutch city the carmen's guild complained of certain intruders, particularly boys, riding carts and trespassing on their privileges. The boys were forbidden to drive carts any more within the city. Some ten years later the prohibition was extended to include negro or other slaves.⁵

The privileges and duties of the carmen continued the same under English municipal rule. The justice of a higher charge (six pence a load) was recognized for carrying such things as wine, lime and brick, necessitating greater care or time in handling.⁶ On March 15, 1684, the number of carmen was increased to twenty.⁷ At the same time previous

¹ *Rec. N. Am.*, vol. vi, p. 360.

³ *Ibid.*, vol. vii, p. 51.

⁵ *Ibid.*, vol. i, p. 136.

⁷ *Ibid.*, vol. i, p. 135.

² *Ibid.*, vol. vi, pp. 360-1.

⁴ *Ibid.*, vol. vi, p. 363.

⁶ *Ibid.*, vol. i, p. 28.

regulations governing carmen were reenacted and published with some elaboration. The cartage of cord wood received especial attention. Six years earlier the magistrates had ordered that all fire-wood brought to the city must be four feet in length and had declared that a cord of this wood should measure four feet in height and eight feet in length. We have reason to believe that this ordinance was not strictly enforced before 1683, when two places within the city not far from the shore were designated "for fire wood to be Brought to And Coarded"; and "Corders" of this wood were appointed who settled any differences arising between buyer and seller and collected a fee of 4½d. per cord from the latter.¹

The carmen could charge 1s. 6d. for carrying a load of wood to the place of cording and from there to the owner's home; one shilling, however, if it was carted direct to the house from the boat. These rates were to be doubled if the load was taken "without the gate."

Another regulation, not previously noticed, was that corn or other goods brought to the city by the ferry boat were to be taken and immediately unloaded by the carmen; indeed, corn and meal in any boat was to be unloaded before any other work was done.

Another interesting regulation, first appearing at this time, was this, "That noe Carmen doe Ryde upon their Carts in Any of the Streets or Lanes within this Citty."² We are left to guess the reason for this. The carman could not consider himself a part of the "reasonable" load he was expected to carry; neither could he load himself with so much that inebriates if he must walk beside his cart. Or is our "safety first" movement traceable to the city magistrates of 1684? It was not until a generation later that "three

¹ *M. C. C.*, vol. i, p. 138.

² *Ibid.*, vol. i, p. 136.

ancient and infirm" carmen were licensed to sit on their shafts, "provided they drive not their Carts faster than a Walk or foot pace, and not a Trot, but slowly and patiently."¹

These ordinances had been published less than a fortnight when fifteen carmen, whose several names are listed in the records, went on a strike. We have no means of knowing the cause, but it is clear that no ideas of compromise suggested themselves to the government. With a zeal matched by that of a recent mayor in connection with the garbage strikers of 1911,² they were "Suspended and Discharged being Any Longer Carrmen,"³ and notice was given that "all and Every person or Persons within this Citty have hereby free Lyberty and Lycence to Serve for hyre or Wages as Carmen (The Sayd Carmen now discharged, and Slaves Excepted) till further Ordor."⁴ A week later the magistrates gave further evidence that they were in earnest, when some of the strikers became penitent and desired their jobs back again. They had to acknowledge their fault, pay six shillings as a fine and agree to conform to the "Lawes and Orders Establisht." Even then the mayor might refuse to accept them. Only three are recorded as having been so accepted.⁵

In 1691 a committee of the common council was appointed to make regulations for the carmen. In their report, which was approved by the board on April 18, the following changes in, or additions to, the former regulations are noticed:⁶

1. Instead of a supervisor, two captains are appointed.
2. The number of carmen is increased from twenty to

¹ *M. C. C.*, vol. iv, p. 304.

² *The Survey*, November 25, 1911.

³ *M. C. C.*, vol. i, p. 146.

⁴ *Ibid.*, vol. i, p. 147.

⁵ *Ibid.*, vol. i, p. 148.

⁶ *Ibid.*, vol. i, pp. 218-9.

twenty-four, and each man is to pay six shillings yearly for his license.

3. A carman must drive his own cart and not let it out to another, except with the mayor's permission.

4. The carmen are to take turns weekly carrying away the dirt from the streets and may demand three pence a load when they are obliged to load the dirt on the carts themselves.

5. They are also to take turns daily, one half doing service "att ye Water Side" and the other, within the city.

6. Violations of the ordinances are subject to fines—a new policy. Previously the violator was liable to lose his job. These fines, moreover, are payable, one half to the city, the other half to the informer, a practice the government was now employing with increasing frequency.¹

It is manifest from the foregoing that the carmen were the street cleaning department of the early city. A much more sensible ordinance about street rubbish was enacted, September 13, 1693.² Saturday is "cleaning up" day as before, but no longer have we to picture the inhabitants as shovelling the dirt in front of their houses into the cart while the carmen look on. Their responsibility now is to pay their three half-pence for the removal of the load and to give notice to some carman if the rubbish lies there "Above the Space of Seaven Days." The custom-house bridge was the dump and the city paid the carman three half-pence per load in addition to what he received from the inhabitant.

In 1701 a new ordinance relieved the city from any expense, once more the whole cost resting on the inhabitant, who paid the carman six pence per load, provided the latter loaded the cart himself.³ In 1702 a record speaks of the

¹ *M. C. C.*, vol. i, pp. 223, 224, 232.

² *Ibid.*, vol. i, p. 331.

³ *Ibid.*, vol. ii, p. 144.

dump as "the River or some Other Convenient place."¹ A petition of the carmen on December 10, 1695, for more pay and for a more rigid restriction of their number to twenty-four only was rejected.² It was not until 1719 that the vote of three pence per load was raised to four pence half-penny,³ a rate they had been allowed to charge for "Every hogshead of Rum Sugar and Molasses" just three days after the petition of 1695 had been rejected. At the same time they were allowed nine pence for every pipe of wine they carried.⁴

This discrimination in favor of rum, sugar and molasses disappeared on November 9, 1698, the cartage for the same being fixed at nine pence per hogshead.⁵ At about the same time, when the "good and Wholesome Laws" were continued in force with certain amendments, one of the latter read that "there be thirty carmen and as many more as the Mayor And two of the Aldermen Shall think Convenient."⁶

Any treatment of colonial business and trade methods would not be complete without a consideration of the apprentice system. Scant mention of the subject is made by any of the writers of the city's history. Our knowledge of the prevalence of the system in England from the thirteenth century on⁷ would make us look for it in colonial New York. Among those record books previously mentioned, which were turned over to the successor of Will. Sharpas in 1740, "four books of Registring Indentures of Apprentice Ship, Three bound in parchment, And the Last (Now in Use) in Leather," were mentioned.⁸ The min-

¹ *M. C. C.*, vol. ii, p. 196.

² *Ibid.*, vol. i, p. 393.

³ *Ibid.*, vol. iii, p. 218.

⁴ *Ibid.*, vol. i, p. 394.

⁵ *Ibid.*, vol. ii, p. 65.

⁶ *Ibid.*, vol. ii, p. 64.

⁷ Dunlop and Denman, *English Apprenticeship and Child Labour*.

⁸ *M. C. C.*, vol. iv, p. 486.

utes further state that the first indenture recorded was under date of February 19, 1694. We are positive, however, of the existence, at a much earlier date, of indentures that were held to be valid in the mayor's court. A case in point bears the date of May 10, 1679, in which William De Meyer sought to free his son, who was bound for four years to Tobias Stenwick. The court ordered that "unless the Plt. and Deft. can agree between themselves the Plt. his sonn is to serve his tyme according to contract and the plt. to pay costs."¹ Another case, in 1682, shows the court favoring the apprentice because the master was "Neglecting to Instruct him."² There was an interesting case the following year when the apprentice, who had returned to his father's house because of "unreasonable Correction," was directed to serve his time unless there should be proof of "undue or unreasonable Correcon" in the future.³

We may well understand that the year 1694 marks the first definite regulation of the apprentice system by municipal New York. Preceding by a few weeks that first recorded indenture mentioned above was the first ordinance of the common council relating to apprentices, herewith quoted. "Noe Merchant or handy Craft Tradesman Shall take Any Prentice to teach or Instruct them in their Trade or Calling without being bound by Indentures before the Mayor Recorder or Any one of y^e Aldermen of the Said Citty and Registred In the Town Clerkes Office and not for A Less Terme than four years; and att the Expiration of the Indentures the Said Apprentice Shall be made Free of the Said Citty by his Said Master if he have well and truly Served him; & that the Clerke have for Registring each Indenture of Apprenticeship as Aforesaid the Sum of

¹ *M. C. M.*, May 10, 1679.

² *Ibid.*, November 7, 1682.

³ *Ibid.*, May 1, 1683.

three Shillings ¹ to be paid by the Master of Such Apprentice bound as Aforesaid." ² This ordinance was reenacted in the same form periodically until October 30, 1711, when the minimum length of service was extended to seven years. ³ The reason stated was that apprentices serving but four years were "seldom Masters of their Trades." ⁴

Great emphasis appears to have been placed on proper registration—the mayor's court on July 7, 1719, ruling that Joseph Prosser, apprentice to John Johnson, perukemaker, be "discharged from his apprenticeship the indenture not being Registered according to Law." ⁵

The wording of an indenture was copied from that used in the mother country, ⁶ with variations to fit the particular case. The apprentice agreed to serve his master well and do him no harm, not to "Purloyn, waste or Destroy" his master's goods nor lend them to any one, not to play "att Dice or any other unlawful Game," not to frequent taverns and not to absent himself from his master's service day or night without leave, and not to marry. The master agreed to teach the apprentice his trade, to provide him during his term with "Apparell meate drinke and bedding and all other Necessaries" and at the expiration of his terme to supply him "with two good and Sufficient Suits of wearing Apparell from head to foot." ⁷ Sometimes the apprentice lodged at home, the master furnishing "meate and drinke"

¹ Philadelphia charged the same fee and in addition "One Shilling and Six Pence to the recorder for the Inrolment." Phila., *M. C. C.*, p. 112.

² *M. C. C.*, vol. i, pp. 373-4.

³ Seven years had become the rule in England over a century earlier. Dunlap and Denman, *op. cit.*, p. 54.

⁴ *M. C. C.*, vol. ii, pp. 454-5.

⁵ *M. C. M.*, July 7, 1719.

⁶ See indenture, dated January 16, 1708, Dunlap and Denman, *op. cit.*, pp. 352-3.

⁷ Nicholas Auger, unto Wessel Everston Cooper, *N. Y. Hist. Soc. Coll.*, 1885, p. 567.

only, but providing employment "in parts beyond the Seas" for a portion of the term.¹ William Evans, aged fourteen years, secured unusual terms from his master, Abraham Splinter,—“Convenient time to learn to write and Read and to Cypher as far as the Rule of three,” and, at the expiration of his term, the promise of “two New Suits of Apparell one of Broad Cloath and one of Stuffer Searge Six Shirts Six Neckcloaths three pairs of Stockings two pair of Shoes and two hatts.”²

After the ordinance of 1694, the mayor’s court was no more inclined than formerly to allow these contracts to be broken; a rather rigid adherence to them was the rule. To be sure, John Troop, “A Barber and Perrewig maker” (February 20, 1711) wanted £100 damages and was awarded only fifteen shillings and six pence on his complaint that Francis Bouquett incited his son Peter “to depart and Eloign himself from his service.”³ Henry Colie’s son James was apprenticed to Peter Ament, a cooper, in 1716; the father complained to the court⁴ that Ament did not provide the son “sufficient Cloathes.” Father and son, as well as Mr. and Mrs. Ament, were ordered to attend the next session of the court, “to be Examined touching the premises.” No further record appears, which probably means that James had a new suit before the next court session.

Girls were apprenticed, too, to be taught “to read English and with such Other Needleworke and Other matters for a good housewife of her ability.”⁵ The habitual wording

¹ Oliver Schuyler, unto John Barbarie Merchant, *N. Y. Hist. Soc. Coll.*, 1885, p. 594.

² William Evans, unto Abraham Splinter Cordwainer, Tanner and Currier, *ibid.*, pp. 578-9.

³ *M. C. M.*, March 13, 1711.

⁴ *Ibid.*, August 21, 1716.

⁵ Margaret Colly, unto John Crooke, Cooper, and Guartery, his wife, *ibid.*, p. 602.

of the indenture being retained, we are impelled to smile at the injunction that "at Cards Dice or Other Unlawful game she shall not play—nor haunt ale houses Taverns or Play houses"; "a good suit of Cloathes" for the boy becomes merely "a good suit of new Cloaths" for the girl.¹ The same form of apprentice's indenture was frequently used when the church wardens, to free the city from the charge, were ordered to "put out" a fatherless and motherless child, like four-year-old Mary Drinkwater for a term of fourteen years,² and her eight-year-old sister Margaret for ten years.³ In both cases it will be noted that the girl will have become eighteen at the expiration of the term. Four years later nine-year-old Susannah Maria Beyer, "a poor Child without any Parents or Relations," was apprenticed for a term of nine years;⁴ nine plus nine makes eighteen, also. In the case of an orphan boy, thus apprenticed, his term was made to end at twenty-one, as we would expect. Richard Blanck, apprenticed at ten for a term of eleven years,⁵ and Justus Whitfield, "aged Eight Years or thereabouts," apprenticed for thirteen years,⁶ are cases in proof.

The English poor law of 1601 ordered the justices of the peace to bind out as apprentices the children of poor parents who could not support their entire families.⁷ We are glad to find no records to indicate that this practice prevailed in New York. On the other hand, the English practice of giving to the apprentice the freedom of the city on the expiration of his term was followed here. In 1717 "Robert

¹ Margaret Colly, unto John Crooke, Cooper, and Guartery his wife, *N. Y. Hist. Soc. Coll.*, 1885, p. 602.

² *M. C. M.*, February 22, 1715.

³ *Ibid.*, March 22, 1715.

⁴ *Ibid.*, June 30, 1719.

⁵ *Ibid.*, May 18, 1714.

⁶ *Ibid.*, May 24, 1720.

⁷ 43 Eliz c. 2.

Crannel Junr Glazier and John Stout Barber were sworn Freemen of this City and Ordered to be Registered they having served their apprenticeships within the same.”¹ These are not isolated examples.²

¹ *M. C. M.*, February 12, 1717.

² *Ibid.*, February 19, 1717, May 27, 1717.

CHAPTER III

REGULATION OF LAND AND STREETS

WE began our existence as a walled city, typically European. Within a limited area, shut off by a wall, on the lower end of Manhattan our early population was gathered. All our early maps imply congestion; that is not a word which applies only to twentieth century conditions. The so-called "Duke's plan" interests us particularly as showing the congested area in 1664, when the English took possession. Already the municipality had passed its tenth birthday. We are fortunate also in having a record that acquaints us with the city's thoroughfares and byways at this time. To raise some money the government—as yet one of burgomasters and schepens—decided upon a general assessment, and listed the burghers by streets in making this levy. The Hon. Petrus Stuyvesant, with ten others living on the Marketfield, lead the list. There are twenty such groups in all, including those of the Heere Straat, on the Strand of the North River, The Cingel or City wall, High Street, The Waal, By the Water, The Pearl Street, Behind Pearl Street, The Brewer Street, Winckel Street, Bridge Street, The Heere Graft, The Prince Graft, Prince Street, The Beavers Graft, Marketfield Alley, Smith Street, In the Smiths Valley, Without the Land-gate.¹ Some streets had already been paved,² the expense of this being met by assessment on

¹ *Rec. N. Am.*, vol. v, pp. 221-5.

² *Ibid.*, vol. vii, p. 167.

the holders of abutting property. The inlet (known generally in the records as "the great Graft" or "the Great Ditch") at what is now Broad Street had recently received considerable attention by having its sides lined with sheet piling. Here again the government had assessed the owners of the abutting property forty guilders (\$16) per rod to meet the expense,¹ an assessment that was paid grudgingly by many because they felt that the expense ought to be shared by those who used the waterway.² An officer was especially assigned to take "good care and superintendence on the newly constructed Graft that no filth be cast into it; also that the boats, canoes and skiffs be placed in regular order therein."³

As further evidence of care we find Governor Lovelace urging the city to arrange to renew the sheet piling of the inlet in 1671.⁴ A committee was named by the court to make recommendation at the next meeting, but no further record appears until June 11, 1672. The governor had been heard from again, and now the court gave explicit orders in regard to the necessary repairs; such a beginning as Johannes De Peyster had made was suggested for the others to imitate.⁵ We have no means of knowing how completely these orders were carried out, but we do know that three years later the ditch was foul again, resulting in a committee being appointed "to be overseers for the cleansing the great Graft or Ditch." Persons whom they should report, would be fined "for their remissness and contempt."⁶

About a month before this there is a record of a "Survey of ye Citty" being made by the mayor and aldermen,"

¹ *Rec. N. Am.*, vol. vii, pp. 246-7.

² *Ibid.*, vol. vii, pp. 253-5.

³ *Ibid.*, vol. vii, p. 215.

⁴ *Ibid.*, vol. vi, p. 329.

⁵ *Ibid.*, vol. vi, pp. 377-8.

⁶ *Mayor's Court Minutes*, June 1, 1675.

"a Propper place for a church and Shoormakers Tan Pitts" being a particular object in view.¹ A survey of the Graft² also was ordered to be made at this time while the cleansing was under way, Johannes De Peyster being a member of both committees. Very likely as an outcome of this survey the court changed its policy completely the following year, when it ordered that the inhabitants

Living within the Streete Called Heregraft Shall forth with & without delay fill up the graft or Ditch & make the Same Levell with the Streete and then to pave & pitch the Same before there doores with stones Soe far as Every Inhabitants house shall be fronting to wards the Said Graft Or Ditch: upon paine of Every Person: Soe neglecting Shall have Such fines inflicted upon them as the Courte Shall thincke fitt.³

Thus, probably with no malice aforethought, the newly created English common council abolished this reminder of the Dutch "Vaterland."

Not until now did Broad Street really exist and come under the control of the supervisors of roads and fences. These officials first appear in the city records of 1667, when "Tho: Hall and the other farmers both on this and on the other side of the Fresh Water"⁴ were ordered to nominate six proper persons as "Overseers of the Roads and Fences lying around this City."⁵ Two weeks later the court elected from these nominees Dirck Sicken and Jan Langestraat⁶ and these men appeared at the next session of the court and took oath to render justice "without distinction or regard

¹ *M. C. M.*, April 26, 1675.

² *Ibid.*, June 24, 1675.

³ *M. C. C.*, vol. i, p. 19.

⁴ A name appearing very frequently in the records and applied to a body of water which formerly existed where "The Tombs" is now.

⁵ *Rec. N. Am.*, vol. v, p. 342.

⁶ *Ibid.*, vol. v, p. 345.

of persons." Supervisor Langestraat was reappointed several times and later on he had two associates instead of one.¹ Their powers extended beyond the Fresh Water because Governor Nicolls had included the whole island within the city.² They cared for the laying out and opening of streets,³ also for keeping them in proper order⁴ and paving them.⁵ With the appointment of Johannes de Peyster, Isaac Greve-raet, Coenraet ten Eyck and Hendrick Willemson as overseers in 1670, the following instructions are interesting enough to quote in full.

Imprimis: The said Overzeers are hereby required to order that the Streetes Which are to be paved be laid out as level and even as possible may be, according to the Convenience of the Streets.

Secondly That the passage be Raised about one foot higher then the Middle of the Streets to the end the water may take its Course from the passages towards the Middle of the Streets aforesaid.

Thirdly And in Case the Neighbours are inclined to wards the paveing of the Whole Streetes, they have Liberty soo to doo, provided that all the Neighbours do Jointly agree about the same.

And all persons Concerned are hereby required & Strictly Charged to obey the orders of the said Overzeers, according to the Tennour of the act publisht; Given under my hand In New York this 2nd of April Anno 1670.

Signed: Corn. Steenwyck Mayor.⁶

The next appointees (three in number) in April 1671 were to "conduct themselves according to the instructions for Overseers delivered to their predecessors." Particular di-

¹ *Rec. N. Am.*, vol. vi, pp. 222, 296.

² *Ibid.*, vol. vi, p. 235.

³ *Ibid.*, vol. vi, p. 229.

⁴ *Ibid.*, vol. v, p. 249.

⁵ *Ibid.*, vol. vi, p. 296.

⁶ *Ibid.*, vol. vi, pp. 228-9.

rections were given to them to coöperate with the magistrates of the village of New Haerlem in laying out "the most suitable road" between the city and the village. After that, on the first of May, "the said road shall be made fit for use by the inhabitants of the Village of Haerlem and the householders both on this and the other side of the Fresh Water, each for his limits; and that on such penalty as shall be fixed by said Magistrates and Overseers."¹

It was in the fall of this same year (1671) that Governor Lovelace had recommended to the court the repair of the sheet piling of the Graft before mentioned.² In the same letter he made two other recommendations: first, that more effective measures be taken against those that had been negligent in the paving of their street fronts; second, "that ye warfes on ye Waterside might be finished." Such recommendations naturally would have been referred to the supervisors, but for some reason the court

thought fitt to Nominate and Appoint Mr. Allard Anthony Sheriff, Mr. Nicolaes de Meyer and Mr. Frederick Philipse to take a view of ye said streetes, and to Cause those that are Defective therein to finish ye same and further to take a view of ye said Warfes and heere Graft, according to ye tennor of his honnors Letter and to give their advice thereuppon att ye Next Court day.³

It may have been the intention of the court to "kill" these recommendations in committee; at least, the committee does not appear to have reported.

On June 11 of the following year the overseers, having the same membership as in 1670 except that Lourens van der Spiegel appears in place of Isaac Greverat, recommended among other things the paving of a "Strooke or foot path" before the front of the houses from "the house of Mr.

¹ *Rec. N. Am.*, vol. vi, p. 296.

² *Cf. supra*, p. 76.

³ *Rec. N. Am.*, vol. vi, pp. 329-30.

Bedloo at the Waterside to the house of Cornelis Van Borsum and from thence to the house of Mr. Steenwyk," also from the house of Dominie Niewenhuysen to the State House.¹ This was the location of the city's first stretch of sidewalk.

After New Orange became New York, in 1674, the appointment of overseers ceased for a time. The new government faced a problem of a somewhat different nature. Several persons expressed a desire to settle within the city, but could not buy houses or land on which to build homes. The congestion was not so great that all the land was taken up, but the owners refused to build or sell. Even the Dutch burgomasters might not have recognized this problem as one to be referred to the overseers of streets. The English mayor and common council, at any rate, named a committee of eight, later increased to eleven,² forthwith to "Servey and value all the vacant Land, and ruinated or decayed houses within this Citty, convenient or fitt to build."³

The committee having reported such valuations, the governor authorized the common council to publish an ordinance to the effect that all land not fenced off shall be deemed vacant and disposed of by the governor "for the Publick good." Houses that were "decayed" might be purchased from the owners at the appraised value, as well as lots of land conveniently situated for building, unless the owners saw fit themselves to construct thereon "Sufficient dwelling howses" within a year.⁴ About a month later, July 24, 1676, it is evident that building operations had commenced, because it was ordered that the ground upon which any house was to be erected must be first viewed by a committee, whose statement was to be a matter of record. The same

¹ *Rec. N. Am.*, vol. vi, 375-6.

² *M. C. C.*, vol. i, p. 15.

³ *Ibid.*, vol. i, p. 14.

⁴ *Ibid.*, vol. i, p. 19.

committee was charged with a similar responsibility whenever a street was to be paved.¹ This committee, therefore, was practically a board of overseers without the name.

The increasing necessity for establishing street lines and building lines emphasized the work of the surveyor and we are not surprised to find a city ordinance in 1684 providing "That there be Sworne Surveyors Apoynted for this." Six shillings was the fee to be paid by the owner to the surveyor who laid out a house lot and gave him a certificate thereof. No one could build on a lot until its front was properly surveyed. Any paving of the street in front of the lot must be done in "such manner as appointed by the Said Surveyors." In general, through their efforts it was intended "That a Regular Order, and Uniformity may be kept and observed in the Streetes."² The first two "surveyors for y^e Citty of New York," whom the records reveal, were Adolph Peterson and Peter King, in 1688.³ Both these men had been members of the building committee in 1676. Peterson continued to be surveyor the rest of his life.⁴ King, later on, became a member of the city council, and served on many committees that were concerned with lands, docks and fortifications.⁵ James Evetts was King's successor as surveyor in 1693⁶ and there is among the archives of the Reformed Protestant Dutch Church, under date of 1696, a survey of 164 lots south of Wall Street laid out by him.⁷

To King and Peterson, surveyors mentioned above, was intrusted a task of considerable magnitude in 1686 by Mayor Bayard. They were to survey vacant lands in and near

¹ *M. C. C.*, vol. i, p. 21.

² *Ibid.*, vol. i, pp. 137, 226.

³ *Ibid.*, vol. i, p. 195.

⁴ *Ibid.*, vol. i, pp. 226, 320-1, 372.

⁵ *Ibid.*, vol. i, pp. 237, 250, 267, 272, 274.

⁶ *Ibid.*, vol. i, p. 320.

⁷ Stokes, *Iconography of Manhattan Island*, vol. i, plate 24.

the dock, "ffrom ye weigh house to ye Citty hall," and lay out the same in lots 24 feet broad and reaching 80 feet into the dock, leaving sufficient space for a street in front of the lots on the land side.¹ It is to be remembered that it was in this year that Governor Dongan granted a charter to the city. This charter had cost £324, but the extent of the city was defined as the whole of the island of Manhattan, including "all the Rivers Rivoletts Coves, Creeks waters and Water Courses belonging to the Same Island as far as low water marke,"² and the right of the common council to sell lands was definitely established.³ Indeed it would almost seem that the governor intended to make it very clear to the petitioners for a charter how it was possible for them to raise an amount of money that exceeded the expenses of the city for an entire year. This charter was granted in April⁴ and the aforementioned orders to the surveyors were given by Mayor Bayard in September, as a result of which fourteen lots were laid out and reported by the mayor the following May as having been "sold to severall persons" for £470.⁵

This is the beginning of the city's sale of its lands. We are fortunate to have the records of these first grants.⁶ The first one is recorded under date of December 3, 1686: "A Grant of a Lott of ground neare the Dock to Benjamine Blagge." Among the grantees appear the names of two women, Maria Schrick⁷ and Henrica Anthony;⁸ also the name of Governor Dongan himself, who receives a grant "in consideration of a valluable Summe of money to the said Mayor Aldermen and Commonalty."⁹

¹ *M. C. C.*, vol. i, p. 195.

² *Ibid.*, vol. i, p. 294.

³ *Ibid.*, vol. i, pp. 297-8.

⁴ *Ibid.*, vol. i, p. 305.

⁵ *Ibid.*, vol. i, p. 188.

⁶ *Volume of water grants 1696-1701*, Room 733, Municipal Bldg.

⁷ *Ibid.*, p. 13.

⁸ *Ibid.*, p. 27.

⁹ *Ibid.*, p. 12.

Even after these lots were sold the city was still in debt and it was ordered, "that the Mayor see what land about y^e Citty may be sold and that he make sale thereof in order to the payment of the said Debts." Again, land by the waterside to the east beyond the first lots was ordered surveyed and laid out in lots.¹ Two months later the mayor reported that he had sold these for two hundred ninety-three pounds, seventeen shillings and six pence.² Black figures that the first sale averaged more than one pound per front foot, and the second sale about fifteen shillings.³

Just here we have one of the very few recorded instances when the common council gave orders for the naming of a street, the thoroughfare fronting the "New lotts by ye Water side from the Weighhouse to Martin Clocks" being designated as "Dock Street."⁴

When, the same year, Governor Dongan expressed the desire to Mayor Bayard that care be taken to make new buildings at the dock uniform, it looked like more work for the surveyors, but the common council ordered that "y^e Mayor with such as he shall thinke fitt Discourse y^e severall Purchasers of y^e lotts there uppon that Point." At the same time they ordered Aldermen Cortlandt and Dekey to make a report on the condition of the streets, "that Care may be taken for makeing Comon shores and to Pave and mend them as will be found necessary."⁵

It is to be remembered that this was after the time of Dongan's charter and the division into wards. The aldermen and assistants in the several wards were beginning to

¹ *M. C. C.*, vol. i, pp. 188-9. "From Coenratt ten eycks to Martine Clocks" is the exact reading.

² *Ibid.*, vol. i, p. 190.

³ Black, G. A., *History of Municipal Ownership of Land on Manhattan Island*, pp. 20-21.

⁴ *M. C. C.*, vol. i, p. 190.

⁵ *Ibid.*, vol. i, p. 188.

care for their own poor and, in general, to represent their constituents in the common council. Land in the Dock Ward had received the special attention noted above. The next year the Bowery Ward was honored by the appointment of three men to be "over seers of y^e Highways and ffences."¹ Directions for the building of Dock Street were not given until after the Leisler episode. "A good and Substantiall Stone Wall of three foot and one halfe Broad" was to be built at the water side, close to which piles seven inches in diameter were to be driven five feet apart, against which boats would rub instead of against the wall. These piles were to be bound together by a plate at the top. The city guaranteed to the owners of these lots that no building should be built in front of them.²

A start once having been made in acquiring funds by selling water lots, it became very easy to continue to do so when a particular need arose. For instance, a new market house and ferry house were considered desirable in 1691 and more water lots were sold, yielding £397;³ and the next year still others, yielding £594 5s. These latter sales are interestingly summarized for us in the common council minutes thus:⁴

Major Merritt	2 lotts	£61	Security	Capt. Clarke
Mr. Mayor	5 lotts	£153:10	Secū	Maj ^r Merritt
Mr. Geo: Heathcott..	1 Lott	£38:10	Secūr	Mr. Mayor
Cap. Clarke	5 lotts	£135:—	Secūr	Maj ^r Merritt
Dirrick vanden Burgh	3 lotts	£59:5	Secū	Joha ⁿ es Kipp
Capt. Nich d: Morrice	1 Lott	£26:10	Secū	Coll: Cortlandt
Mr. Morrice	1 Lott	£23:10	Secū	Capt. Clarke
Capt. Skuyler	2 lotts	£44:—	Secū	Joha ⁿ Kipp
Coll. Cortlandt	3 lotts	£53:—	Secū	Capt. Skuyler

¹ *M. C. C.*, vol. i, p. 194.

³ Black, *op. cit.*, pp. 20-21.

² *Ibid.*, vol. i, p. 259.

⁴ *M. C. C.*, vol. i, p. 279.

As time went on, the conditions on which the sale of these lots was made became more carefully specified. It had been expected that the first fourteen purchasers above mentioned would, with some degree of expedition, place their section of the waterside in good condition, "filling up and Levying [leveling] all vacant holes and Spaces."¹ Although many different dates were set for the completion of the same, as late as October 20, 1691, a large number were reported as still incomplete.²

The conditions prescribed for the disposal of the 13 lots in 1691 were, that the purchasers should "fill up ye ffront of the Said Land with one intire house which shall be Two full Storyes high above the ground." The side fronting the street must be either of brick or stone.³ When the twenty-five lots, reaching up the East River to Beekman's slip, were offered for sale, on May 27, 1692,⁴ very careful arrangements were made. In the first place, after the survey was made, a value per front foot was fixed for the various lots. Those nearest the dock were said to be worth twenty-five shillings per foot and this valuation diminished to fifteen shillings for those farthest away. Then the holders of the adjacent upland were given the first chance to purchase, at the appraised value, the lots "in their ffront."⁵ Every purchaser had to find sufficient security to pledge the fulfillment of the conditions. Definite time limits were set for the completion of payment for the lots. Details for the construction of the wharf were specified. It was to be thirty feet broad, and the outer part was to be laid to low water mark, and be laid in a frame of boards such as the surveyors should specify. A definite time was fixed for

¹ *M. C. C.*, vol. i, p. 250.

² *Ibid.*, vol. i, p. 251.

³ *Ibid.*, vol. i, p. 259.

⁴ *Ibid.*, vol. i, p. 278.

⁵ *Ibid.*, vol. i, p. 273.

the completion of the wharf—a time that allowed the purchaser about eighteen months—with specified penalties for failure so to do. Such sums were to be shared between the city and those neighboring owners who suffered damage by the delay. A notable change of policy appears, however. Whereas the wharves previously built were declared “to remaine to the use of the Citty,”¹ now each purchaser was to keep his particular wharf in repair and “in Consideration thereof to reape the benifitt of his Wharfe.”² Wherever a street, like King Street or Maiden Lane, terminated at the water side, at this point the city itself agreed to build a wharf, “equall with the purchasers” within the same limit of time and under the same penalty for delay.³

As recorded above, twenty-three of the twenty-five lots offered for sale under these conditions were disposed of within three months and some of the purchasers began at once to meet the conditions. This we know from a record, August 10, 1692, according to which they were granted permission to get dirt for filling in their lots by digging and leveling under the direction of the surveyors so much of “the hill by Mr. Beekmans” as belongs to the city.⁴

Thus far we have noted transfers of land initiated by the city for relief from financial embarrassment. In the midst of such activity it is interesting to record one transfer of an entirely different character. It was that of 1691, initiated by the “Minister, Elders, Deacons and Congregacon of the Dutch reformed Church.” They had picked out a piece of vacant land on the rising ground remote from the strand, which they wished to purchase, whereon to erect “a Church for the publick Worshipp of Almighty God.”⁵ It was duly sur-

¹ *M. C. C.*, vol. i, p. 259.

² *Ibid.*, vol. i, p. 278.

³ *Ibid.*, vol. i, p. 279.

⁴ *Ibid.*, vol. i, p. 280.

⁵ *Ibid.*, vol. i, p. 260.

veyed, laid out, and sold for 180 pieces of eight (about £54),¹ Samuel Bayard giving his bond for £100 that the land would be used only for "A Church or houses for pious and Charitable Uses."²

In 1694 the city was beginning sorely to feel the expense incurred for defence against the possible attack of a French fleet, and Mayor De Peyster told the common council, at the meeting of August 27, that some means should be taken to satisfy the city's creditors. It became easy to resort to former methods and more lots on the East River front between the Old slip and Wall Street were sold.³ Preference was again given to the inhabitants whose lands these lots fronted, provided they were willing to pay thirty shillings per foot;⁴ two of these land owners, Daniel Veenvos and Thomas Lamberts, conceived that their property reached down to low water mark and became somewhat excited. So much so, that they went over the heads of the city magistrates and petitioned Governor Fletcher. The latter sent an order to the council to stay proceedings until a hearing could be given.⁵ The protestants were unable to make good their claims, so agreement for the sale of several lots speedily followed, to Daniel Veenvos among others.⁶ Three neighbors of Daniel were granted the lots fronting them at twenty-four instead of thirty shillings per foot, with the understanding that they should build next to Wall Street a wharf twelve feet wide to low

¹ *M. C. C.*, vol. i, p. 261.

² *Ibid.*, vol. i, p. 266.

³ *Ibid.*, vol. i, p. 357. ⁴ *Ibid.*, vol. i, p. 359. ⁵ *Ibid.*, vol. i, p. 361.

⁶ *Ibid.*, vol. i, pp. 362-4. Veenvos died shortly thereafter, before the sale was consummated, and his widow two years later had not complied with the terms of the agreement made with her husband, still disputing the city's right to the water front. At one time she had assumed to erect a building thereon, (vol. i, p. 410) but had been warned off. It is probable that she finally agreed to pay £40 (vol. i, p. 420) instead of the £60 previously demanded of Daniel.

water mark; they were also to make a slip adjacent to the wharf.¹ Enough has been said to show, first, that in the last decade of the seventeenth century the city surveyors had become very busy people; secondly, that the East River front of Manhattan Island, through increasing revenues from the sale of its water lots, had come to have a recognized value.

Noticeable is the lack of interest in the Hudson River front; it did not mean much as yet to own land facing the Jersey shore. A vacant tract of sixteen acres had been sold in 1686, bringing a pound per acre.² The only other sale recorded on this side of the island was made in 1700, after a new city hall had been erected and the city government was trying to find the funds to complete the payment therefor.³ This was an upland tract, "on the North side of Teunis Ides."⁴ A rough survey indicated "two hundred Acres or thereabouts," which were auctioned off to the highest bidder for two hundred and sixteen pounds. Of such value, two hundred years ago, was the land on a small section of which Columbia University stands today.

Soon after the opening of the new century an improved policy was inaugurated, that of leasing desirable lands rather than selling them.⁵ We cannot be sure how this change of policy is to be explained. Black suggests a quite plausible explanation.⁶ The particular land, some sixty acres, that one Thomas Coddington desired to purchase, was located to the east of where the Metropolitan Museum of Art now stands. Governor Nicolls, in his patent to the inhabitants of New Harlem in 1666,⁷ had drawn a line diagonally across

¹ *M. C. C.*, vol. i, p. 368.

² Black, *op. cit.*, p. 19.

³ *M. C. C.*, vol. ii, p. 122.

⁴ *Ibid.*, vol. ii, p. 125. North of the present 107th St.

⁵ *Ibid.*, vol. ii, p. 264.

⁶ Black, *op. cit.*, p. 25.

⁷ Riker, *History of Harlem*, pp. 252-3.

the island from the foot of the present Seventy-fifth Street to the vicinity of what is now the Fort Lee ferry. The Harlemites, however, might go farther west into the woods, beyond the aforesaid bounds for pasturage. It was surely some of the land last mentioned that Coddington desired to purchase. In granting him a lease Black thinks the city officials of New York were seeking to protect the commons from encroachment on the part of the Harlemites, and not to get revenue.¹ The same author would have strengthened his argument, if he had noted in the common council minutes, that at the expiration of the twenty-one years of the lease the lessee was to "leave A sufficient fence round the demised Premises."²

It would be easy to consider the question thus solved, if the corporation had not made arrangements at exactly the same time to lease Beeckman's swamp³ for twenty-one years to Rip Van Dam "for the Yearly Rent of twenty Shilings per Annum."⁴ Here there was no fear of encroachment on the part of Harlemites or anyone else. Furthermore, Van Dam would have been glad to buy the land⁵ if the city had been disposed to sell rather than lease.

We are rather forced to the conclusion that some thought for the future of the city must have taken possession of the common council. Why not credit such to our municipal forefathers when there is such a good chance? And it is a pretty safe guess that Cornelius De Peyster inspired his colleagues of the board to adopt such a policy. This man

¹ Black, *op. cit.*, p. 25. The actual revenue was six pence a year per acre. Cf. *M. C. C.*, vol. ii, p. 273.

² *M. C. C.*, vol. ii, p. 274.

³ About midway between Ctiy Hall Park and East River.

⁴ *M. C. C.*, vol. ii, p. 274.

⁵ *Ibid.*, vol. ii, p. 266.

was serving his first term in political office,¹ the beginning of a career in the service of the city that continued nearly half a century, almost without a break, until his death in 1749 or 1750.² From 1718 until he died De Peyster was city chamberlain. He was on the committee that treated with Coddington about his land.³ Significant indeed was the institution of such a policy when we think of the possibility of loss to the modern city of the parks that were then the commons in the center of the island. This very tract of sixty acres, thus leased for twenty-one years, was leased again to Coddington's widow for five years, December 20, 1726,⁴ but reclaimed by the city before the five years had elapsed because the conditions of the lease were not fulfilled.⁵

Let us turn now to such problems as the young city had in connection with keeping her streets, lanes and byways in something like a sanitary condition. Even in these modern days, when the city provides every facility for the disposal of refuse and garbage, for a pure and adequate water supply and proper drainage, it requires a Health Department with over 3000 employees, very largely to protect us from ourselves. Every vacant lot is witness to the fact that an open window is handier than a garbage can. In congested districts, where there are no vacant lots, it is not uncommon day or night to see old buckets, mattresses or dilapidated furniture fall from a top-story window to street or sidewalk, there to be seized upon by street gamins for complete demolition.

In an even less restricted sense the city street belonged to everybody two and a half centuries ago. Dwellers by the strand, to be sure, might find the water to be near

¹ *M. C. C.*, vol. ii, p. 239.

² *Ibid.*, vol. v, pp. 276 and 280.

³ *Ibid.*, vol. ii, p. 269.

⁴ *Ibid.*, vol. iii, pp. 401-2.

⁵ *Ibid.*, vol. iii, p. 473.

enough sometimes to consign their refuse to the waves, and the aforementioned "foulness" of the Graft bespeaks the presence of humanity residing near by. There was, however, not only the human, but the animal problem. The street and fire departments today can tell you long stories of their troubles arising from the unrestrained small boy. Then a somewhat different problem was the unrestrained hog, goat, sheep, horse and cow. Of course they had the dog, too, the most recent domestic creature for the modern city to bring under restraint, but he was so harmless as compared with the rest that he escapes mention in the records. The aforesaid animals at large were sufficiently vexatious to Director General Stuyvesant in the years before the city was chartered, so that he issued orders seeking to abate the nuisance, but apparently with little effect. It was injury to fort and orchard and garden that particularly weighed on Peter's mind, and the city was not yet two months old before the director tried to make the new government accomplish what he had been unable himself to do. His letter to them, translated from the Dutch, reads thus:¹

Honorable, Dear and Distinguished Friends.

We see with great grief the damages, done to the walls of the fort by hogs, especially now again in the spring when the grass comes out. We made an order concerning it last year at the request of the Select Men, who promised properly to fence in the fort and to keep the hogs meanwhile from the walls. But seeing after the lapse of a year that nothing or at least only little has been done and that what has been done at the fort has again been destroyed by the pigs, as may daily be learned, we are compelled to enter a protest about the nonfulfillment of the promise, being told that the failure of it, the destruction of the walls and all our works, is caused by the Select Men hav-

¹ *Rec. N. Am.*, vol. i, p. 78.

ing been superseded and their authority and duties transferred to Burgomasters and Schepens who had accepted to do the work. How this is we do not know, but we see to our trouble and shame the pigs daily on the walls, busy with their destruction. Therefore we request Burgomasters and Schepens to give an order in accordance with the before mentioned promise and prevent the pigs. Else we shall be compelled to carry out our former order. Relying thereon we remain, Honorable, Dear, Distinguished Friends,

Your well meaning friend,

P. STUYVESANT.

N. Amsterdam

Ulto. March, 1653.

One may see that such a letter might easily rub the new magistrates the wrong way, and threats are said always to be wasted on Dutchmen. However, they went through the form of doing something, determining "provisionally to engage a herdsman and in the meantime to make the fence as quickly as possible."¹ If any fence was built with the posts the governor promised to furnish, it was not effectual against the pigs, and another communication was received from Stuyvesant, August 12, 1653. He could scarcely have made the burgomasters and schepens believe that it was "certainly the practice in no place to permit cattle to run at large to the injury and damage both of individuals and the public,"² as they were all familiar with similar conditions in the Fatherland. However, some new work had just been completed on the fort, and the "injurious and intolerable destruction" daily committed by hogs which he called to their attention led them to "order their court messenger to notify the Burghers that everyone of them shall take care of his hogs or keep them in the sty until the fort and re-

¹ *Rec. N. Am.*, vol. i, p. 79.

² *Ibid.*, vol. i, p. 98.

cently constructed works have been fenced in with palisades to preserve said works from damage.”¹

The order above plainly shows that the magistrates did not feel that public opinion would support an order for permanent exclusion of the animals from the streets. Indeed, the next experiment four years later was one compelling owners to put rings “through the noses of their hogs,” in order that they might not by their rooting make the streets “unfit for driving over in wagons and carts.”²

The first municipal ordinance concerning the disposal of refuse is recorded under date of 1657 and reads thus:

Henceforth no one shall be allowed to throw into the streets or into the graft any rubbish, filth, ashes, oyster-shells, dead animal or anything like it, but they shall bring all such things to the to them most convenient of the following places, to wit the Strand, near the City hall, near the gallows, near Hendrick the baker, near Daniel Litsco, where tokens to that effect shall be displayed, but not on the public streets under a penalty of 3 florins for the first offense, 6 florins for the second, and arbitrary punishment for the third. Furthermore, everybody is ordered to keep the streets clean before his house or lot under the preceding penalties and that this be done, we herewith charge and command our Officer to execute this order after publication and to proceed against all transgressors, as in duty he is bound.”³

Under the provision of the ordinance above would everyone be fined who threw refuse into the Graft? Evidently some thought not, because the magistrates promulgated another ordinance before the year was out (December 3, 1657) forbidding “that henceforth anybody shall make so bold, as to throw into said graft any filth whatever, but he must carry

¹ *Rec. N. Am.*, vol. i, pp. 97-8.

² *Ibid.*, vol. i, p. 38.

³ *Ibid.*, vol. i, p. 31.

it to the places mentioned in the proclamation of the 20th of February of this year under the penalty of 25 florins.”¹ The increase in the fine should be noted. Another nuisance was caused by some persons constructing their privies level with the ground, with an opening towards the street in order that hogs—here they are again—“may consume the filth and wallow in it.” This not only produced “a great stench,” but also made the streets “foul and unfit for use;” indeed it led to a proposal so radical as this, “that no Burgher shall keep any hogs within this City.”² Such structures “coming out upon the street” were ordered removed within eight days and placed where they would give “the least offense to the community under the penalty of six florins for the first time, double as much for the second, and arbitrary correction the third time.”³ On another occasion, in the Dutch city, a great stench was reported arising from the presence of some dead hogs lying “here and there on the street.” The schout was notified to send the city’s negroes to collect and bury the same.⁴

The city passed from Dutch to English rule in 1664, but all rulers looked alike to the unruly pig family. Witness the peril to that most sacred of all places, the “open and unfenced” city graveyard, so rooted by the hogs that Govert Loockermans, church warden, was sent for. He reckoned it would cost five hundred guilders to fence the same properly. There was not the necessary money “in the chest,” so “it was concluded that a collection be made.”⁵ Five months later there was still no fence, the graveyard being as before the choicest of all rooting spots for the sovereign pig. Govert was again summoned to court together with

¹ *Rec. N. Am.*, vol. i, p. 33.

² *Ibid.*, vol. vii, p. 187.

³ *Ibid.*, vol. i, p. 38.

⁴ *Ibid.*, vol. v, p. 45.

⁵ *Ibid.*, vol. v, p. 253.

his fellow warden, Johannes de Peyster. They referred to the "trifling income" of the church and spoke of many small debts that were "due here and there," which the empty "chest" did not allow them to pay. Thereupon the mayor and aldermen "resolve to advance from the Burghers excise the amount necessary to build the fence, the church wardens promising to repay "from the first incoming money." ¹

A man who figures almost as frequently in the early records of the city as Peter Stuyvesant himself, is Allard Anthony. He was one of the first board of schepens in the city and commanded Governor Nicolls' respect sufficiently to be appointed sheriff in the English city. He likewise was an owner of hogs—the same untethered species. His wife complained before the mayor's court, September 15, 1668, that some of her pigs had been found killed on the land of certain neighboring negroes. The Africans denied being guilty of killing the animals. Anthony had been fined a short time previously for damages caused his negro neighbors because of his "imperfect" fence. It is a very safe guess that the damages were traceable to his hogs and that the negroes took vengeance. The court ordered the ex-sheriff to repair his fence to prevent any further damage, while the aforesaid negroes were told "to keep still and quiet, so as to give no cause of complaint to their neighbours." ² Probably Allard patched up his fence a little under this pressure from the court, but about six years later (December 22, 1674) it was declared "insufficient" again by another neighbor, Henry Van Dyke, who complained before the court that "hee was greatly damnified, Cattell and hoggs having thereby destroyed his Orchard and fruite trees." The defendant pleaded that he could not repair his fence

¹ *Rec. N. Am.*, vol. v, p. 313.

² *Ibid.*, vol. vi, p. 146.

"untill ye weather broke up," and he escaped without penalty under orders "to doe it with all possible speed he could."¹ On March 23, following, after the "weather" had "broken up," the court discovered the fence untouched and now ordered "that ye Deft Doe speedily make up ye fence" and that "good men to bee appointed to view the damage."²

It was now 1673, burgomasters and schepens are again at the helm, and a fresh attack was made upon the pig problem, thus :

We, Schout, Burgomasters and Schepens of this City of New Orange have thought fit for the good of this City and the preservation of its newly erecting fortifications to order and enjoin on all our good inhabitants within this City and its jurisdiction unto the Fresh Water to prepare to confine all their hogs within the time of twice 24 hours and not to suffer them to roan along the streets and highways on this side of the Fresh Water, upon forfeiture of said hogs, to be applied one half of the officer and the other half for the City."³

This order was issued on August 28. An order concerning these privileged creatures, if respected for the time being, might easily have been forgotten four months later. At any rate the director general of New Netherland became concerned at the presence of the hogs "in multitudes along the public streets," committing great damage on the earthen fortifications. Not merely forfeiture of the hogs this time, but "double the value thereof" was to be the penalty, if the animals came "to, in or on the bulwarks, bastions, gardens or batteries" of the city.⁴ It is significant that under these orders one half of the penalty went to the informer, the other half to the schout.

¹ *Mayor's Court Minutes*, December 22, 1674. ² *Ibid.*, March 23, 1675.

³ *Rec. N. Am.*, vol. vi, p. 406.

⁴ *Ibid.*, vol. vii, p. 36.

The magistrates of New Orange gave further evidence of their thorough program by publishing a notice, after causing a suitable pound to be erected, that stray animals were to be delivered to the pound keeper, by whom they were not to be released until specified fines had been paid, two and one-half florins for a horse, one and one-half florins for an ox or cow, one florin for a hog "above four months," and twelve stivers for a sheep or goat. The fine was to be doubled if the creature was found astray before sunrise or after sunset. Cattle, inclined to be wild and "leap over proper fences," must be tied up or removed elsewhere when so notified.¹ Just how effective these strict orders were we have no means of knowing. No cases involving the genus pig or any stray cattle appear in the court records of the following nine months, the length of time New Orange continued to exist. It is hardly safe to assume from that, however, that these favored creatures disappeared from the streets. If they did, some of them were back again in a hurry. When the English were in command once more, a new proclamation was in order. "This day (March 24, 1675) was Proclaymed the edict prohibiting hoggs going about the streets of the Citty, longer than 8 days after the Publication."² Penalties were imposed as follows: twenty shillings for the first offence, forty shillings for the second, forfeiture of the hogs for the third, such hogs to be at the disposal of the mayor or his deputy. It rested with the constables to carry out this latest edict. It is to be observed that this edict is not only milder in its penalties than the New Orange proclamation, but also its jurisdiction is less extensive—merely the streets of the city. The question about loose pigs and sheep "att ye Bowery" came up in 1682; the former were barred from the locality, but "Sheep being noe ways Hurtfull"

¹ *Rec. N. Am.*, vol. vii, pp. 22-3.

² *Mayors' Court Minutes*, March 24, 1675.

were allowed their freedom.¹ Toward the close of the century, in 1695, the "Running of Hogs & Swine In the Out Ward of this Citty and Liberties of Harlem" became "very offensive and Injurious" to the people living there. An order followed that hogs or swine "within the Said Precincts Shall be Kept within good and Sufficent Fence."

Furthermore, any one was allowed to kill stray pigs "without being Accountable for the Same to the Owners thereof." Alderman Dow was appointed to post a notice of this order "In all the Publick places In the Said Ward."² This did not please the Harlemites, who made an appeal "that they may have Liberty for their Hoggs to Run att Large." This liberty was granted, provided they made their fences "Six Rales High in Order their Improved Land May not be Damnified."³

There is a noticeable absence in the court records of any actions regarding these creatures against whose nomadic life so many threats were uttered. Probably, then as now, it was the damage not so much to property as to human nostrils that effectually kept the animal in restraint or banished him from society. The sweeping ordinance of 1744 against nuisances did banish him from that portion of the city south of the Fresh Water.⁴ Yet, as late as 1789, the following newspaper doggerel appeared:⁵

O yes! O yes! O yes!
This is to give notice
To all Hogs, Pigs, Swine and their Masters
That from the first of February '89
If any person suffer his, her, or their Swine
To gallop about the streets at large
Full twenty shillings is the charge
For each offence.

¹ *Mayor's Court Minutes*, February 20, 1683.

² *M. C. C.*, vol. i, pp. 382-3. ³*Ibid.*, vol. i, p. 402. ⁴*Ibid.*, vol. v, p. 120.

Smith, T. E. V., *The City of New York in 1789*. The ordinance referred to in this doggerel passed the common council November 19, 1788, after having been rejected in the previous July.

Reverting to the accumulation of filth on the streets and the removal of the same, we find the same practice in vogue under the English régime as under the Dutch. Every man continued to be responsible for the cleanliness of the street in front of his own house or lot. There were rascals who took filth from their dwellings and deliberately cast it into the street in front of others' houses, and the court got after one John Sharp in 1671 on that very account.¹

The use of carts for carrying away garbage and refuse is traceable first to the year 1670, when the carmen of the city, in consideration of certain requests, were called upon "by turns weekly on every Saturday in the afternoone" to cart away to a designated place the dirt from the paved streets, "provyded the dirt be throwne & Loaden upon the Cart by the owners or tenneants of the houwses in the said streets."²

On the last day of December, 1675, the common council took occasion to give notice once more that all persons must clean the streets "before his or her dores."³ On the same occasion obstructions in the streets for the first time received any considerable attention. Back in 1656 Director Stuyvesant had recommended to the magistrates action concerning "the crowding of the streets with stones and timber."⁴ and we are led to infer that some ineffective orders may have been issued some years later. Now, however, all persons that shall "Sett any Wagons, Carts, or Sleade in the Streetes" will be proceeded against.⁵ About a year later (November 13, 1676) we find for the first time an ordinance imposing a fine on any one who throws into the street

¹ *Rec. N. Am.*, vol. vi, p. 349.

² *Ibid.*, vol. vi, pp. 273, 360-1.

³ *M. C. C.*, vol. i, p. 7.

⁴ *Rec. N. Am.*, vol. ii, p. 162.

⁵ *M. C. C.*, vol. i, pp. 7-8.

dirt or oyster shells, or ashes "which have any ffire in Them." Ten shillings was the penalty. At the same time the magistrates emphasized again that a three-shilling fine would be imposed on any person who did not "on Every Saturday Night or oftener Sweepe The dirt or filth before their dores on heapes," and carmen must carry the refuse away "Upon paine of Loosinge their Liberty of Beinge Carmen."¹ Some years later (March 15, 1684) the time for the weekly cleaning of the streets was changed from Saturday night to Saturday morning²—a change that appeals to reason.

The attempt to prohibit dumping refuse in the streets does not appear to have been effective, and so the common council tried a new scheme in 1691. Anyone who gave information resulting in a fine being imposed was to receive half the amount of the fine, the other half going to the city.³ At the same time a definite arrangement was made in regard to loading refuse into the carts. Each householder was to load it himself or pay the carmen three pence for doing so.⁴ Obstruction of the streets by certain merchants who found it convenient to let timber which they were desirous to sell lie in the thoroughfare, was also condemned.⁵

The reader may easily imagine that the churchgoer, on a Sunday morning, often saw the heaps of dirt unremoved,⁶ or, worse still, a brisk wind might be working mischief and driving the dust into his eyes. A carman who was expected to carry away this refuse gratis readily found himself "driven to death" on Saturday afternoons. So when the city (Sept. 13, 1693) found a use for dirt in filling in the

¹ *M. C. C.*, vol. i, pp. 28-9.

² *Ibid.*, vol. i, p. 137.

³ *Ibid.*, vol. i, p. 224.

⁴ *Ibid.*, vol. i, pp. 219, 224, 245.

⁵ *Ibid.*, vol. i, pp. 224, 247.

⁶ Such a condition is inferred in *M. C. C.*, vol. i, p. 331.

custom house bridge, the common council thought to remedy conditions by an ordinance authorizing the payment to carmen of three half-pence a load by the city and an equivalent amount by the inhabitant "where Such Dirt Rubish &c Shall Lye."¹

Soon after this came the next step in street cleaning, namely, entrusting to one man the work of cleaning the streets. When the innovation was first suggested in the common council, April 26, 1695, John Vandespiegel, himself a member of that body, "propos'd to Undertake the Same & Desir'd time to Consider what Sallery he might Deserve for the Effecting thereof."² At the next meeting he said he would undertake for one year "to Supervise the Cleansing of the Streets from the filth and Dirte" for £30.³ His offer was accepted and our first "Commissioner of Street Cleaning" began his work. "Supervising" apparently was a rather high sounding term to apply to a man who superseded the carmen in himself carting away the heaps of dirt on Saturday afternoons, so he became a plain "scavenger,"⁴ a term which continued to be applied to his successors in office for nearly twenty years. Such a continuance of policy must have brought, on the whole, a degree of satisfaction. Yet there are evidences that vigilance was still the price of cleanliness. For instance, when the common council, in 1699, named a committee to "Agree with A Scavenger for the Cleaning of the Streets," it also gave orders at the same meeting that the "Cryer doe Give Notice to the Inhabitants Every Saturday Morning to Clean ye Streets and Sweep ye Dirte on heaps before their Respective dwelling houses And that the Sheriff Constables and

¹ *M. C. C.*, vol. i, p. 331.

² *Ibid.*, vol. i, p. 376.

³ *Ibid.*, vol. i, p. 377.

⁴ *Ibid.*, vol. i, p. 420.

Other Officers have Notice to put the Laws made for keeping Clean ye Streets in due Execution.”¹

This order was dated March 31. The student of old records need not be told that the very wholesome “clean up crusades,” the accompaniment of our early spring season, are a modern innovation. It is interesting to note how frequently these oft-recurring ordinances of the common council belong to the months of March and April. By the aforesaid order the inhabitants were to be reminded of their duty periodically and all possible executive authority was invoked. Again, in 1701, on the occasion of the death of the governor, Mayor De Riemer felt constrained to “clean up,” as is evidenced by an order on the treasurer to pay to the mayor £3 19 9, “by him paid to severall Carmen for Cleaning the Streets on the Buriall of the Earle of Bellomont.”² Still again, in 1702, the common council referred to the ordinances pertaining to the cleaning of the streets, as “much neglected . . . to the great Damage Annoyance and prejudice of all the Inhabitants.” New and elaborate orders resulted, involving several new ideas. Friday replaced Saturday as the day when the inhabitants brought forth broom and rake. The river or “some Other Convenient place” was specified for the dump. Furthermore, very careful provision was made that offenders should not escape the prescribed penalties. The mayor, recorder or any one of the aldermen might levy “by distress upon the goods and Chattells of the Defaulters,” if necessary, and thus the informant was made surer of the share due him. Sheriff, high constables and petty constables must enforce the regulations or “answer for their Contempt att their Perills.”³

¹ *M. C. C.*, vol. ii, p. 74-5.

² *Ibid.*, vol. ii, pp. 154-5.

³ *Ibid.*, vol. ii, pp. 195-7.

Sometime before 1708 Jacob Cousine, the scavenger, had his salary reduced from £30 to £12.¹ The salary of the office was further reduced to £10 in 1712.² It will be remembered that Vandespiegel, the first incumbent, was himself a member of the common council. Later scavengers were of the common people, whose compensation would not arouse the same enthusiasm. However, the later scavengers were assigned a limited area for their "cleaning up;" for instance, Cousine's territory was "the broad Street of this City from the Corner of Garden Street that Leads from the Dutch Church into the broad Street to the little Bridge by the Dock."³ We are probably safe in assuming that outside of this limited area the carmen loaded and carried away the refuse at the fixed price of six pence per load—a price which was finally increased to seven pence half-penny in 1731.⁴ Not without interest is the appointment of a woman to the office of scavenger in 1710. She was Ariantie Dow, widow, whose husband had held that office at the time of his death.⁵

By such methods the early city tried to keep itself clean. The amount of money expended for this purpose was certainly small. Records reveal no municipal pride in clean streets, but rather periods of intolerable filth. The general topography of the lower end of Manhattan Island was such that frequent rains were probably responsible for as much street cleaning as all human agencies combined. Indeed, we are told that some citizens took advantage of the opening of heaven's flood gates by sweeping their dirt at those times into the street gutters, which, by the way, appear formerly to have been in the middle of the

¹ *M. C. C.*, vol. ii, p. 359.

Ibid., vol. iii, p. 12.

³ *Ibid.*, vol. ii, p. 354. Cf. Stokes, *Iconography*, vol. i, plate 27.

⁴ *Ibid.*, vol. iv, pp. 103-4.

⁵ *Ibid.*, vol. ii, p. 443.

street and were spoken of as "channels." A penalty of six shillings was fixed for such an offence in 1731.¹ The vicinity of the dock seems to have been a "catch all" for much of the city's filth. Every rain would bring its deposit down Broad Street and scavengers and carmen would work down the same street with their cartloads and not always be careful to dump into the water. This, together with "the timber Lumber Barrells Staves, Rubish and other Trash"² which are the inevitable attendants of a ship's cargo, gave rise on many occasions to special orders for cleaning this particular locality,³ or restraining people from using it for a dump.⁴

"Regulating of the lights to be put out in the Darke time of the Moon," appears as an entry in the early records. When we understand in this quotation that "put out" means "hung out on A Pole" from an upper window, we realize that the magistrates were aiming at a method of lighting the streets "without expense to the corporation." The seventeenth century was waning when "the great Inconveniency that Attends this Citty being A trading place for want of having lights" led to official action. A first order (November 23, 1697), that every house should put out lights in their windows on the street front under a penalty of nine pence⁵ per night, was speedily changed. Under the new order, "Every Seaventh house in the Severall Wards" was to suspend "A Lanthorn & Candle"⁶ during the winter season and the expense was to be "defrayed in Equal proportion by the Inhabitants of the Said Seven

¹ *M. C. C.*, vol. iv, p. 103.

² *Ibid.*, vol. ii, p. 258.

³ *Ibid.*, vol. iii, pp. 12, 19, 318.

⁴ *Ibid.*, vol. iii, p. 318.

⁵ *Ibid.*, vol. ii, p. 21.

⁶ Presumably the traditional candle protected by a frame partly of glass, partly of metal.

houses." The execution of the order was assigned to "the Alderman And Assistant of Each Respective Ward."¹ This system continued with no material change for over half a century.

¹ *M. C. C.*, vol. ii, p. 23.

CHAPTER IV

THE DOCK

IT is difficult today to imagine a time in the history of the city of New York when a single dock was sufficient for all its commerce. The fact remains, however, that the municipality was almost a century old before it outgrew that basin at the lower end of the island shown so finely in the "Labadist General View."¹ Every reader of this chapter should first give himself the pleasure of opening the first volume of Mr. Stokes's remarkable work² to the frontispiece, where he may see the first little wooden wharf of 1649 with the towering crane nearby. Then, by turning from plate to plate, with particular attention to those numbered 8, 10, 13, 14, 15, 17, 22 and 25, he may see the evolution of the first dock and be in a position to appreciate what may be hereafter said about the municipal regulation of the same and of the shipping that was associated with it.

That first wooden wharf, inherited by the city, was the outcome of a recommendation, back in 1647, by Stuyvesant's council. When a new and larger "hooft," as the Dutch called it, became necessary, ten years later, the city built it out into the East River at a point above the former wharf. There were at least two reasons for this location; one because Manhattan's neighbors were then on Long Island rather than in New Jersey; again because there were rocks jutting from the surface of the water to the west. These

¹ *Long Island Historical Society Memoirs*, vol. i, plate 3.

² Stokes, I. N. Phelps, *The Iconography of Manhattan Island*, vol. i.

appear on the old prints, sometimes as "Copsey Rocks,"¹ then again as "Ledge of Rocks,"² and are now covered by Battery Park and the Aquarium.

The reader will understand, of course, that all around the lower end of the island the land now extends three or four blocks farther into the water than it did in those days. The curving Pearl Street of today represents the strand³ at the time this dock or wharf or pier or bridge (as the English variously spoke of it) was constructed. It was some time earlier than April 18, 1659, when the work was started, because a record of that date informs us that one Pieter Janzen Nerengh promised the city magistrates that he would "go to work next Monday . . . further to complete it."⁴ And soon after that the pier was ready for use, because on July 11⁵ the burgomaster and schepens were making regulations in regard to its use, with authority from the director general and council.⁶ Eight stivers per last⁴ was the fee required for loading and discharging at the pier, the skipper to pay one-third and the owner or receiver two-thirds of the fee. One skipper, Jan Janzen Bestevaar, apparently tried to evade his fee early in the following year, for the records show⁷ that the magistrates ordered him to pay his imposed quota before his departure, "for the accommodation experienced by him through the above named Pier."

¹ Stokes, I. N. Phelps, *op. cit.*, vol. i, plate 30.

² *Ibid.*, vol. i, plates 26 and 27. To the point where this ledge attached itself to the main land, with the appearance of a hook, the name Schreyer's Hook is sometimes applied.

³ Kelley, F. B., *Historical Guide*, map on p. 40.

⁴ *Rec. N. Am.*, vol. vii, p. 219.

⁵ *Ibid.*, vol. vii, p. 225.

⁶ *Ibid.*, vol. vii, pp. 225, 250. Stiver equals two cents; "last," about two tons, making this charge the equivalent of eight cents per ton.

⁷ *Ibid.*, vol. vii, pp. 250-1.

Adjoining the dock was the unpretentious custom house, or "Weighhouse" ¹ as they called it. Some cargoes were charged by the piece rather than by weight; for example, the skipper who brought firewood from Long Island had to pay the weighhouse porter two stivers per hundred pieces of wood.² If brick or tiles were to be unloaded, the "Grain and Lime Measurer" was to count them, and a fee of four stivers per thousand was to be shared equally by purchaser and seller.³ Some skippers were disposed to avoid these fees by resorting to the same methods employed before the existence of a pier. So the burgomaster resolved (April 9, 1660)

to make an order, that no person shall have power to unload any goods coming from abroad, by ships, yachts or boats, from one ship into another, or even to weigh on board, or in any ship what is subject to the Beam; ⁴ but to discharge the goods on the Bridge or Pier which is built for that purpose, and to weigh at the Beam what is subject to the Beam.⁵

This pier soon proved inadequate for the business of the little city. On November 3, 1660, the burgomasters contracted with Jan Jansen Hagenaar and his son Jeremias for building a four-rod extension to the pier, "for the sum of 225 guilders in seawant and a half barrel of beer in addition."⁶ Jan died within the next two months, but the records inform us that Jeremias was ordered (January 7, 1661), "to proceed with the making and completing the undertaken Pier, and to adjoin one to himself in the place of

¹ Stokes, *Iconography*, vol. i, plate 8b.

² *Rec. N. Am.*, vol. vii, p. 240.

³ *Ibid.*, vol. vii, p. 251.

⁴ A name applied to the weigh house scales.

⁵ *Rec. N. Am.*, vol. vii, p. 252.

⁶ *Ibid.*, vol. vii, p. 262.

his deceased father.”¹ Fifteen years later, when the English had for the second time occupied the city, this first dock had become unserviceable, and we find the city fathers making provision for the erection of a “new docke or warfe.” Merchants within the city were to assist in the payment for this “proporconably for his or their Estate or Estates,” an arrangement that was allowed by the governor, and forthwith put into execution.² There is a very interesting record, under date of December 10, 1676, containing a list of about three hundred names, against each of which is the amount of his assessment, at the rate of “One Penny halfe Penny per Pounds.” The richest man, Frederick Philipse, was called upon to pay an assessment of £81 5s; Cornelius Steenwyck £25; four others, including Jacob Leisler, £18 5s; while seventy-two were taxed 6s 3d on a valuation of £50. The money thus raised was to be used in part for the new dock.³ Twenty-five other persons were also assessed, “who have dealt and Traded in this Place for Seuerall and great Sumes and doe intend Suddenly to depart from hence to other Parts.”⁴ At a meeting of the board, January 10, 1676, it was estimated that 18,000 cartloads of stone, at two shillings per load, would be sufficient for the construction of the dock.⁵ This means, of course, that an attempt was made to give the wharf a strength and permanence that had been lacking in the previous construction.

Regulations for the care of the dock were read and approved (March 22, 1684) by the common council and were ordered to be “Fairly Writt,” that they might be presented to the governor for his approval. Some of these rules were:

No vessel lying within the dock was allowed to have a fire on board after dark.

¹ *Rec. N. Am.*, vol. vii, p. 263.

² *M. C. C.*, vol. i, p. 9.

³ *Ibid.*, vol. i, pp. 29-37.

⁴ *Ibid.*, vol. i, p. 25-26.

⁵ *Ibid.*, vol. i, p. 17.

No vessel was to cast anchor within or near the dock, whereby other vessels might be endangered.

No one was allowed to dump any refuse near the dock that would hamper its usefulness.

Vessels of ten tons or less, not belonging to the port, and anchoring here, were to pay one shilling; those from ten to twenty tons paid twenty-five, "And Soe Proportionably, One Shilling, for Euery Tenn Tunns more."

DOCKAGE PAYMENTS

Vessels belonging to the port—annual payments.

A vessel or boat of 1 ton to 5 tons	00	06	00
From 5 to 10 tons	00	09	00
" 10 to 15 "	00	12	00
" 15 to 25 "	01	00	00
" 25 to 50 "	01	10	00
All above 50 tons	02	10	00
All other vessels had to pay every time they docked			
A vessel of 10 tons or under.	00	06	00
From 10 to 20 tons	00	12	00
" 20 to 30 "	00	18	00
" 30 to 50 "	01	04	00
" 50 to 100 "	01	10	00

The fees named above were to be increased "Proportionably" if they "Lye Above one Month."¹

A subsequent order of September 6, 1699, is to the effect that a penalty of six shillings shall be imposed for every tide beyond a "Convenient time" for Loading & unloading.²

Besides the fees for anchorage and dockage, provision was also made for the collection of "Bridgemoney." This

¹*M. C. C.*, vol. i, pp. 142-4. More specific in this respect were the dock regulations in Philadelphia, under date of August 10, 1716. There vessels were allowed only fifteen days in dock, "five days to unload and ten days to Load," with two shillings per day fine after that time. One shilling per ton was charged "for Unloading and the same for Loading." *Minutes of Philadelphia Common Council*, pp. 109-110.

²*M. C. C.*, vol. ii, p. 84.

was a tax of twelve pence per ton on imports from any place beyond the east end of Long Island and south of Sandy Hook; also on exports. Sugar, molasses, cotton wool, ginger, logwood and other sorts of dyeing wood, beef, pork, flour, bread, peas, train oil, corn and tobacco are particularly specified. Each horse transported out of the province from the city was taxed twelve pence. All fees were to be collected by a haven master, who was to render an account and make returns to the city treasurer every three months, at least, and be allowed ten per cent commission. In case of any controversy regarding the regulations or rates or penalties—a specific penalty being attached to each offence—the mayor was to decide, or, in the mayor's absence, the eldest alderman.¹

During the five years preceding 1684 we have evidence that Peter Delanoy, Joseph Lee, William Dyer, Richard Welsh, Thomas Coker and Lucas Santen were haven masters in succession, all of whom were called upon to produce their accounts for dockage before a special committee of the common council, in February 1684.² Indeed, any perplexities that confront our present Department of Docks and Ferries have their precedents. On more than one occasion mismanagement or graft in case of this one dock aroused the wrath of the magistrates.

Thomas Smith was spoken of, February 16, 1684, as "ye Now Haven master."³ The same man is referred to in the minutes of the mayor's court in the following year as "Waterbayliffe",⁴ when he reported the seizure of a certain brigantine lying within the dock, "together with her

¹ *M. C. C.*, vol. i, p. 145.

² *Ibid.*, vol. i, pp. 121-4.

³ *Ibid.*, vol. i, pp. 124.

⁴ *Mayor's Court Minutes*, April 28, 1685. The corresponding official in English boroughs and in Pennsylvania is so called.

Tackle and furniture." This seizure, he said, was made on information of Ex-Mayor Dyer and by the order of the governor and council. The declaration of the court in this instance is interesting: "Noe Information being Entered in this Court concerning the said Vessell or any writt issued out from this court thereon, they Cannot proceed or Meddle therein."¹

Some time previous to 1684—we have no record of the exact date—a warehouse had been built in proximity to the dock. At a common council meeting, July 10, 1684, Peter Stoutenburgh was "Apoynted Over Seer of the work to be done On the Warfe, and warehouse within this Citty." Each house was required to provide a man to help in the work, "Or On Default the Owners or Inhabitants in Such houses or warehouses to Pay 2s 3d Each tyme they Omitt the Same."²

We find, under date of October 19, 1685, that the mayor and common council resolved to save themselves a deal of trouble by having the "Dockmony be lett to farme to the Highest Bidder on this day Seven night att the Signe of the three Marriners about five in the afternoon."³ We may infer from a record about two years later that Jarvis Marshall got the job by bidding fifty pounds for the year.⁴

It is worth observing that the porters of the city at this time were influential enough with the city fathers to evoke an order (July 20, 1686) prohibiting negro or Indian slaves "to worke on the bridge Weighhouse and Markett house of this Citty about the goods of their Respective Masters there lyeing or being."⁵

Everything went along smoothly for over two years, be-

¹ *Mayor's Court Minutes, op. cit.*

² *M. C. C.*, vol. i, p. 153.

⁴ *Ibid.*, vol. i, p. 192.

³ *Ibid.*, vol. i, p. 172.

⁵ *Ibid.*, vol. i, p. 180.

cause the work that had been done on the dock in 1684 evidently made repairs unnecessary. The winter of 1687-8, however, damaged the dock, and the common council at its meeting of February 26, 1688, ordered "that Alderman Kipp & Balltas Byard doe take Care for ye Reparation of ye Wharfe that the Same may bee ffinished by the first of May & ye Charges to Bee paid Out of ye Citty Tresury."¹ The ravages of wind and weather are again apparent in the minute of March 16, 1689. Alderman Kipp and Baltus Bayard report that they have let the dock again to Marshall, but now "for the terme of three yeares at £25 per annum"—only half as much as before. Now, however, he must "keep the Said Docke in good and Sufficient repaire."² A fortnight later a formal lease of the dock was "Signed and Delivered by the Mayor in Common Council in behalfe of himselfe and the rest."³

The storms of the autumn season worked their mischief and Marshall apparently disliked to part with any of his revenue for repairs until he was compelled to do so. The common council then felt the advantage of its lease and declared:

Whereas ye dock is much out of repair & defective in sundry Places which the present dok master Jarvis marshall is engaged to maintaine at his owne charge acording to agreement, therefore Ordered that Said Jarvis Marshall forthwith repaire ye same Acording [to] said agreement & by neglect to Be Lyable to such fines as ye Comon Council shall Impose upon him.⁴

This order would appear to have had the necessary effect, for we hear nothing more regarding the dock until October

¹ *M. C. C.*, vol. i, p. 194.

² *Ibid.*, vol. i, p. 203.

³ *Ibid.*, vol. i, p. 203.

⁴ *Ibid.*, vol. i, p. 210.

15, 1691, when Marshall's three years lease was drawing to a close. The council on that date ordered that Alderman William Merritt and Alderman Brandt Schuyler, Mr. Ebenezer Willson and Mr. Thomas Clarke be a committee to treat with Marshall, "about Letting the Dock and to make their Returne on Tuesday next at the first Bell Ringing after the ajournment of the Mayors Court."¹ The dock was bringing in a good revenue and both the common council and the dock master knew it. The latter offered £10 more per annum to retain the position. This was reported by "Alderman Skuyler who at the same time sayd Thomas Clarke would give £40." The opinion of the board was that the position was worth still more; "wherefore they appoint that they² be Exposed to a Publyck Outcry att the house of Mr. William Merritt on the sixth day of November next Ensueing and that Proclamacon be made of the Same One to Sett up att the Bridge one att the Citty hall and one att Brookland."³

We should certainly say today that Marshall "had a pull" with the board, for this order was never carried out, as is shown by a subsequent minute of the same session.

After the Wrighting of the above order Mr. Jervais Marshall appearing and offering forty-five pounds per annum for three yeares next Ensueing and keep the Dock in Sufficent repaire his Tenders is accordingly accepted he paying his rent each halfe yeare and that a Lease be drawne Accordingly.⁴

If our suspicions were in any way aroused by this last minute, we should feel sure that this official had much influence

¹ *M. C. C.*, vol. i, p. 250. This minute also shows that the mayor's court after adjournment became at once, on the ringing of a bell, a session of the common council.

² The disposal of the ferry privilege was acted upon at the same time.

³ *M. C. C.*, vol. i, p. 252 (October 20, 1691).

⁴ *Ibid.*

with the members of the common council, when we read about six months later that Dockmaster Marshall reports "the Dock being broke downe and much out of repaire by last Extremity of Weather," and "himselfe uncapable of repayreing the Same."¹ What says the board? "We incline to allow him Some part of the charge according as we shall see his disbursments when he hath put the same into good repayre."

Jarvis must have been in the "lobby" with his ear at the keyhole listening with displeasure, judging by a subsequent record of the same meeting.

Againe Jervais Marshall appearing . . . the Comon Council have agreed to repaire the one Side of the Said Wharfe at the Cittys charge and Jervais Marshall is to repaire and compleate the other Side in the same forme and as Substantially in all points as the Citty Shall repayre and finish their side.²

We are compelled to believe that this close-fisted and slippery dock master had not completed his job as late as August 28, 1694, because a committee of the common council was named on that day to "discourse with Jarvis Marshall about finishing his wharfe." The first preparations were made at the same meeting for letting the dock at the expiration of Marshall's term.³

Some boats had evaded dockage fees by running into Smith's Fly.⁴ An ordinance of August 28, 1694, required that they "pay the Same Rates as if they Came into the Citty Dock and to be for ye benefitt of the farmer of the Said Dock."⁵ The same ordinance again appears among

¹ *M. C. C.*, vol. i, p. 274.

² *Ibid.*, vol. i, p. 274.

³ *Ibid.*, vol. i, p. 358.

⁴ Or "Vly," a name applied to a "slip" or beaching place for boats farther up on the East River shore.

⁵ *M. C. C.*, vol. i, p. 358.

the "Conditions and Regulations for farming the dock," in the minutes of September 28, 1694. The term was now to be seven years instead of three. Before the first day of the following May the wharves of the dock must be placed in good repair and be kept in good condition throughout the seven years. The incumbent must pay to the city treasurer the amount he had bid in quarterly payments. He must also give security satisfactory to the city magistrates.¹ Proclamation was straightway made that everybody had free liberty to bid. "Several Persons Appeared and made there offers, but Mr. Thomas Clarke [the unsuccessful bidder of three years before] having bid fourty pounds per Annum and being the highest bidder itt is Order'd that the Same be Accordingly Demised to him."²

It is at this point, therefore, that Jarvis Marshall retires from the position he has held for nine years. It is evident that failure to keep the dock in repair was not the only fault of Marshall that caused annoyance to the city fathers. At least £45 remained due from him to the city and it led to an action against him in the mayor's court in 1696. He petitioned the court, "praying that he May have further time for ye payment thereof And that the Action may be withdrawn."³ This petition was rejected. The petitioner had been named city "Cryer & Merchall" in 1683,⁴ but is not spoken of as receiving any salary until June 9, 1697.⁵ Perhaps the city was recovering what was due by withholding his salary up to that time.⁶ Increase of shipping called for a forty-five foot extension of the bridge in 1696, the same "to be Carried out twenty foot further into the Dock than ye Stockadoes are now laid And then to turn

¹ *M. C. C.*, vol. i, p. 364.

² *Ibid.*, vol. i, p. 365.

³ *Ibid.*, vol. i, p. 401.

⁴ *Ibid.*, vol. i, p. 109.

⁵ *Ibid.* vol. ii, p. 9.

⁶ See ch. viii, p. 190, for more about Marshall in his old age.

South East Easterly twenty five foot more.”¹ This extension had not been finished six months later, because a committee was ordered (June 9, 1697) to find “what Sum will be wanting to finish ye bridge.”² At the next meeting it was resolved to raise £120 for this purpose, and £60 for “making Convenient the Slip att the end of the broad Street.”

In the closing years of the seventeenth century the city fathers were much occupied with arrangements for the construction of a new city hall, and the new dockmaster and the dock came in for less attention. Thomas Clarke, however, could not have been an ideal city servant, for the “foulness” of the dock is alluded to three times in the minutes.³ In the last mentioned minute it is ordered that care be taken, “that the farmers doe forthwith performe the Conditions they are Obliged to Otherwise that they make Satisfaction for their Defect.” As a result, when the new conditions for farming the dock were made, April 13, 1700, to the stipulations on former occasions was added the requirement that the farmer “Shall att his Own proper Cost and charge well and Sufficently Clean the said Dock & Slip in the Dock of all the Mudd & filth therein Soe deep as till they finde A sandy Bottom and . . . Keep the same Clean.” He was, furthermore, to keep the wharves enclosing the dock in good repair to the expiration of his lease.⁴ The cleansing the dock of its “foulness” was regarded as no light task, because it is further stated in the conditions of the lease that the farmer may receive the next six quarterly payments amounting to £60 “to dispose of towards the Cleaning.”

On these more stringent conditions the “Docks and Slips on ye 13th day of April 1700 was demised to Mr. Phillip

¹ *M. C. C.*, vol. i, p. 432.

² *Ibid.*, vol. ii, p. 9.

³ *Ibid.*, vol. ii, pp. 80, 97, 101-2.

⁴ *Ibid.*, vol. ii, pp. 104-5.

French for the Revenue of fourty pounds per Annum.”¹ About a month later Thomas Clarke (whose term was not to expire until November 1701) was reported to be in arrears for his rent. He was allowed till June 1 to pay up.² French, the new incumbent, was elected alderman of the Dock Ward in the fall of 1701³ and, probably, further political ambitions—he was appointed mayor the next year—led him, for a consideration of £5, to relinquish his lease of the dock after a few months.⁴ He did not actually get his money until two days before Christmas 1702. On May 26, 1702, a committee of the board reported that they had farmed the docks and slips to James Spencer for the sum of £25.⁵ This is a lower bid than usual, because the farmer was required within the space of eighteen months to build the wharves eighteen inches higher and cause them to be “well Loaded with Ballast Gravell or Stones.” He was also required to fix eight “substantial” posts in the wharf about forty feet apart, in order that vessels might careen. A further stipulation made repairs necessary “soe often as he Shall be thereunto Required by the said Mayor Alderman and Commonalty.”⁶

Dockmaster Spencer was not long in making the acquaintance of some elusive skippers. The next month after he assumed his new office (he had previously been high constable) he reported “that sundry Boats frequently Come into the Dock & Slips of this Citty and the Masters thereof Refuse to pay unto him the Customary Rates for Dockage & that before he can gett the Mayors Officer to summon them before the Mayor to Cause them to make payment as Afore-said they weigh Anchor and are gone.”⁷ He was author-

¹ *M. C. C.*, vol. ii, p. 105.

² *Ibid.*, vol. ii, p. 106.

³ *Ibid.*, vol. ii, p. 157.

⁴ *Ibid.*, vol. ii, p. 190.

⁵ *Ibid.*, vol. ii, p. 191.

⁶ *Ibid.*, vol. ii, p. 192.

⁷ *Ibid.*, vol. ii, pp. 197-8.

ized to attach and bring before the mayor any persons indebted to him for dockage. Even with this support from the authorities Spencer tired of his agreement, and on November 6, 1703, appeared before the common council to surrender his lease. Evidently he had neither paid the city the promised rental nor met the terms of his lease in other respects, pleading "Very poor Circumstances Occasioned by sickness and Other Misfortunes." Two men who were his sureties were called upon to pay the corporation the sum of £60.¹

John Ellison, whose previous experience had been as lessee of the market house, was the next one to whom the docks and slips were farmed. The conditions seemed favorable, as he was to pay "one pepper Corne" per year for the first three years and £25 annually for the six years thereafter,² but he failed to agree with the common council's committee concerning the details of the lease.³

No doubt the dock revenue had been affected by the war. English vessels knew the danger from their French and Spanish foes on the sea. Shortly before this the common council had voted to recognize by a bonfire, with ten gallons of wine and a barrel of beer, "the great and signal Victory Obtain'd by her Majesty's fleet and forces Against the French & spaniards att Vigo in spain."⁴

Next we find for the first time "farmers" in combination. Lancaster Symes, merchant, Gerrett Vanhorne, bolter, and Christopher Denne, carpenter, were the trio.⁵ Their term was to be twelve years. For the first three years they were to pay one peppercorn rent and for the remaining nine, £30 yearly. They were to receive all dock revenues, including

¹ *M. C. C.*, vol. ii, p. 246.

² *Ibid.*, vol. ii, pp. 247-8.

³ *Ibid.*, vol. ii, p. 250.

⁴ *Ibid.*, vol. ii, p. 227, February 24, 1703.

⁵ *Ibid.*, vol. ii, p. 250.

such from as many cranes as they might erect. But they were called upon to clear away the dock "mudd" down to that "Sandy foundation" previously described, and to raise the height of the wharf one and one half feet—a previous condition still unfulfilled. Also they were to construct a sewer "from the fish Bridge to the Other Common sewer in the broad Street," to be finished the following June.¹

Messrs. Symes, Vanhorne and Denne made haste to get the same authority from the court that James Spencer had been granted, namely, to take and bring before the mayor "any person or persons who is indebted unto them for Dockage."² Vanhorne soon retired from the combination and the lease was changed accordingly.³ Two or three men proved no better than one for the work. Scarcely a year had passed when an investigating committee reported, "that all along the Dock is Very Dirty and several heaps of Stones & Trash on itt which with the Rain is Carryed into the Dock."⁴ And previously, on complaint of several inhabitants, the lessees were ordered to clear a cart-way on the west side of the dock that was "stopt up and Incumbred with Masts and Timber," upon pain of being prosecuted for maintaining "A Nuisance."⁵

Another committee, reporting June 4, 1708, found "the Dock not Cleansed According to the Lessees Agreement."⁶ It is interesting to note that Christopher Denne occupied a seat in the common council at this time. When action was finally brought, it was directed against Lancaster Symes, "one of the Lessee's"⁷ and not against both, which is also interesting.

¹ *M. C. C.*, vol. ii, p. 250.

³ *Ibid.*, vol. ii, p. 278.

⁵ *Ibid.*, vol. ii, pp. 286-7.

⁷ *Ibid.*, vol. ii, pp. 442-3.

² *Ibid.*, vol. ii, p. 257.

⁴ *Ibid.*, vol. ii, p. 294.

⁶ *Ibid.*, vol. ii, p. 359.

The preliminary to this action came, November 29, 1709, when Aldermen Smith, Thong and Bayard, and Mr. De Peyster were ordered "to discourse the Lessees of the Dock about the Non performance of their Covenants in not Cleaning of the Dock &c: to know their Reasons for their Neglect thereof and to make Report thereof to the next Common Council." Not only that, but the treasurer was to "Attend them to demand the Arrears of Rent due for the same Dock."¹ On March 7, 1712, shortly before this trial was to come off Captain Symes appeared before the magistrates, offered to surrender the lease on certain conditions and requested that his trial be put off till the June term.² This was allowed and a committee was appointed to confer with the lessees and, "also to Inspect in what Condition the Docks and Wharfs are and on what Terms the same may be again demised most beneficial to the publick."³ Subsequently the committee reported, recommending that Captain Symes be allowed to receive all the profits of the dock and slips until November 1 following, and that the suit against the lessees be dropped on condition that they "do well & sufficiently Repair the Breaches of the Wharfs made in the late Storm," and pay to the city £20 in full satisfaction of all dues.⁴

Again the agreement was not kept. An order of March 3, 1713, had no effect. Finally, four months later, Symes was compelled to file with the corporation a bond for £50 to repair the wharves before September 1, and the lease was cancelled,⁵ Anthony Ham having in the meantime been appointed dock master. We are not surprised, after all

¹ *M. C. C.*, vol. ii, pp. 390-1.

² *Ibid.*, vol. iii, p. 4.

³ *Ibid.*, vol. iii, p. 4.

⁴ *Ibid.*, vol. iii, p. 9.

⁵ *Ibid.*, vol. iii, p. 38.

these troubles with the dock farmers, that the common council now adopted a different policy. Anthony Ham was "to Collect and Receive all the Revenue of the Dock and Slips and Account to this Corporation for the same as often as he shall be thereunto Required."¹ His salary was fixed at £30 per year.² Ham continued as dock master until 1728. Everything went well for a while and then he became careless about his collections. He was ordered to collect dock and crane arrears, under threat of being discharged and sued at law.³ Apparently such arrears did not have the personal interest for a salaried official, like Mr. Ham, that they had had for lessees of the dock.

There appears to have been so much dissatisfaction that finally a committee was ordered to "Recommend some proper Person to be the Dock master of this City in the Room of Mr. Anthony Ham and that they also Call the Said Anthony Ham to Account for the Profitts of the Crane Dock and Slips during his Exerciseing that Office."⁴ A subsequent order (July 27, 1728) was, "that he do not presume (at his Perill) to Receive any more of the Rents or Profitts of the same Crane Dock or Slips."⁵ Later, when Mr. Ham's accounts were audited, no less than £225 18 was reported as due for dockage. In addition to that £19 6 8 was reported as having been collected, but not handed over to the city.⁶

So we see that the city was regularly defrauded, whichever system was employed, in the management of its dock and wharves. If the revenues were let out by contract, Father Knickerbocker would find his dock intolerably foul, his wharves all going to pieces, his rental money withheld.

¹ *M. C. C.*, vol. iii, p. 35.

² *Ibid.*, vol. iii, pp. 387-8.

³ *Ibid.*, vol. iii, p. 444.

⁴ *Ibid.*, vol. iii, p. 83.

⁵ *Ibid.*, vol. iii, p. 441.

⁶ *Ibid.*, vol. iii, p. 472.

If the haven master was appointive and salaried, he would collect dockage, if convenient, and turn it over to the city, if he had to. Ship masters enjoyed the presence of the salaried official, of course. When the city once more reverted to the old system, in 1725, it is worth noting that the successful bidder went as high as £83 10.¹

¹ *M. C. C.*, vol. iv, p. 248.

CHAPTER V

THE FERRIES

WHEN the city magistrates were devising ways and means, in 1683, "To Enable them to deffray their publick Charge & expence and maintaine their publicke works," they petitioned Governor Dongan for the "benefitt" of "ye fferry now between ye said Citty & Long Island, or that hereafter shall be appointed between ye said Citty and Corporation or any other place."¹

There had been a petition to the governor a month earlier, requesting that former privileges and liberties be confirmed with certain additions. Hence, in making answer, the governor "much wondred . . . he should so suddenly Receive another petition," but the request was granted with the understanding that two boats for passengers and one boat for cattle be kept on each side of the river; also "No fferry in any other place alowed but what is already."² Two months later (February 23, 1684) the ferry was one of the matters concerning which a committee was appointed by the common council to confer with the governor.³ At this time the history of ferries as a municipal institution commences.

This concession to the city was really a remarkable one, more to the city's advantage, probably, than any thing else later included in the Dongan charter. Peter Stuyvesant had no such generous heart in 1656, when the burgomasters

¹ *M. C. C.*, vol. i, p. 110.

² *Ibid.*, vol. i, p. 111.

³ *Ibid.*, vol. i, p. 121.

sought the revenue from the ferry.¹ Three hundred guilders a year—the rent paid by the ferryman, Egbert Van Borsum, in 1658²—was a bit of revenue that he did not propose to hand over to any one else. To Stuyvesant and subsequent governors, both English and Dutch, up to Dongan's time, a ferry was looked upon as a part of the land system and as such controlled by the provincial government.

Who the first municipal ferryman was and how much he paid the city for his privilege, we cannot ascertain with certainty. This much, however, we know. William Merritt appeared before the mayor, aldermen and common council, February 23, 1684, and expressed a desire to lease the ferry to Long Island for twenty years, at £20 per year. He promised to build ferry houses on each side and have two boats for cattle and horses, which he would transport for six pence per head; and two others for passengers, whom he would carry for a penny apiece.³ At the same meeting a committee of three aldermen was appointed "to Examaine the Orders And Regulacon Relating to the Ferry to Long Island." They were to arrange for the leasing of the same with the advice and consent of the mayor, to draw up suitable orders and fix rates for passage.⁴ This committee reported a week later, that they could find no former ferry regulations; also that "the Present fery man is Desirous to Leave itt." Three new members were added to the former committee and a report requested at the next meeting,⁵ at which postponement was again made. Regulations made by this committee are reported as having been approved on March 15, 1684, but the regulations themselves

¹ *Rec. N. Am.*, vol. ii, p. 217.

² *N. Y. Col. Mss.*, vol. viii, p. 771.

⁴ *Ibid.*, vol. i, p. 123.

³ *M. C. C.*, vol. i, p. 123.

⁵ *Ibid.*, vol. i, p. 127.

are not recorded. The question of a ferryman was still hanging fire, William Merritt being ordered "to Consider About the fferry And give his Answer, in writeing to the Mayor On Tuesday next."¹ If Cornelius Steenwyck's correspondence had been preserved, we should probably know what William Merritt said. It is rather reasonable to presume that the committee wanted him to accept the lease for a shorter term than twenty years and to pay more than £20 per year. Probably the seven year limit of lease was decided on and probably William Morris received the appointment. In justification of these two presumptions a record of just seven years later may be cited, in which a committee of the common council was ordered "to Treat with Mr. Morris about Letting ye ferry."² Also, Mr. Morris is alluded to subsequently as "late keeper of the fferry."³

October 20, 1691 was the day appointed for the above-mentioned Committee to bring in their returns, and it was reported that John Arientsen had offered "one hundred pounds yearly for Seven yeares" for the ferry. The board decided that the offer was too small and planned to dispose of the matter at a "Publyck Outcry," November sixth.⁴ At this sale competition forced Arientsen to increase his former bid by forty-seven pounds per year, rent to be paid quarterly. He was to have a lease for seven years, beginning March 25, 1692.⁵

On the 23rd of January a bond for one year was placed in the mayor's hands, and this was brought up before a full council, on February 4, for their approval. They decided that Derrick Amerman and John Alberson were sufficient security for the first year, and empowered the mayor to

¹ *M. C. C.*, vol. i, p. 133.

² *Ibid.*, vol. i, p. 250.

³ *Ibid.*, vol. i, p. 268.

⁴ *Ibid.*, vol. i, p. 252.

⁵ *Ibid.*, vol. i, p. 253.

judge as to the security for the second year. Security for two years and his bond for finding the security for five ensuing years were to be sufficient guarantee to secure the lease. At the same meeting the treasurer was ordered to pay the clerk one pound, four shillings for drawing the lease.¹ Before the meeting adjourned the lessee appeared with security for the second year and the ferry lease was delivered to him.²

On March 30, 1692, Col. Stephanus van Cortlandt and Col. Nicholas Bayard were nominated on behalf of the city, and James Graham and William Nicolls were appointed by William Morris, the ferryman before mentioned, to "View and appraise the house and barn belonging to the fferry, said parties in case of disagreement to choose an umpire for final decision."³

On May 6, 1692, the treasurer was ordered to pay Mr. Morris £100, part of the money due him for the "houses on the other side."⁴ At the following meeting the "Houses and Barne at the fferry are lett together with the little house on this Side to John Arientsen," for nine pounds per year. He must keep them in repair.⁵

Arientsen soon had trouble with private competition from Derrick Janzen, Cornelius Seabrook and others who, he complained to the mayor, made a daily practice of bringing over corn from Long Island to the city. A fine of twenty shillings was laid for each such offence.⁶ A year's trial of his business as farmer of the ferry convinced Arientsen that he was paying too much, and upon petition to the common council the rental for house and ferry was reduced to £140 per year, from the 25th of June, 1693.⁷

¹ *M. C. C.*, vol. i, p. 263.

² *Ibid.*, vol. i, p. 264.

³ *Ibid.*, vol. i, p. 268.

⁴ *Ibid.*, vol. i, p. 275.

⁵ *Ibid.*, vol. i, p. 275.

⁶ *Ibid.*, vol. i, p. 276.

⁷ *Ibid.*, vol. i, p. 325.

The need of money to carry on certain repairs for the defence of the city caused the common council to mortgage the ferry for three years as security for £200, on April 13, 1694.¹ On May 11, the "Ingrossed" mortgage for two years was read and approved. It was originally planned to have the mortgage for three years, but this was changed to two.² It is most important to realize that we have here the primitive method employed by our city for securing money that was immediately necessary. Here was an engrossed ferry lease for seven years, whose face value was about £1000, and which was a security similar to a deed of land, though, to be sure, somewhat more precarious. In order to get ready money, the city had to find some individual of means who could advance the needed amount—£200 in the case alluded to—holding the lease as security for the same. In this case the minutes tell us that the interest on the £200 for two years was £33 5, revealing a rate of something over eight per cent. This sum was included in the mortgage, which amounted, therefore, to £233 5.³

Enough money would come in quarterly, if the ferryman lived up to his contract, to pay back that amount within the two-year period of the mortgage. The aforementioned mortgage had barely lapsed (June 26, 1696), when plans were under way to mortgage it again, this time for fifteen years. The money so obtained was to be used toward helping to build a city hall and a powder house.⁴ According to a later record (January 11, 1699) the money from the ferry was limited to the building of the new city hall.⁵ Near the time of the expiration of the seven years of John Arientsen's lease the council took action regarding his successor. On October 17, 1698, a committee was appointed

¹ *M. C. C.*, vol. i, p. 352.

² *Ibid.*, vol. i, p. 354.

³ *Ibid.*, vol. i, p. 355.

⁴ *Ibid.*, vol. i, p. 410.

⁵ *Ibid.*, vol. ii, p. 67.

to "Examine into the State of the ferry And to Agree on the best Conditions for the farming the Same on the twenty fifth day of March Next And that they take to their Assistance A Bricklayer and A Carpenter and Examine What will be Convenient for the Rebuilding or Repairing of the ferry house."¹ The committee reported, on November 2, that the ferry house was "Soe far gone to decay" that repairs were futile; also, that they had received some proposals for farming the same. The committee was ordered to treat with the candidates "On ye Most Advantagious Terms for the Citty."²

On January 11, 1699, the common council ordered that a placard give notice that, on February 2, at the city hall, the ferry would be let for seven years, beginning March 25, and that the conditions might be seen at the mayor's house.³ These conditions are printed in the minutes for February 2, 1699. They include, as before, requirements that the farmer provide security and make quarterly payments; and that he furnish two boats for carrying cattle and freight, and two for passengers. By additional stipulation the great boats for freight were to be kept, one on each side of the river, and the passenger boats were to be constantly passing to and fro and never both to stay on the same side. They were to be rowed by "good and able men."

Several new conditions were itemized:

The farmer must keep a pound, with sufficient ropes etc., in which the cattle for transfer may be kept when necessary; there must also be a place for corn.

He must keep a public house for the accommodation of strangers and travellers in the stone and brick ferry house which the city is to build, and this he must keep in repair. The city is also to repair the barn, for the care of which the farmer is to be responsible.

¹ *M. C. C.*, vol. ii, p. 63.

² *Ibid.*, vol. ii, p. 64.

³ *Ibid.*, vol. ii, p. 67.

Definite ferry rates were fixed as follows :

Every single person to pay for going Over Eight Stivers in Wampum or A Silver two pence.

Each person in Company four Stivers in Wampum or A Silver penny ; if after sun Sett, double ferriage.

Each horse or beast Single One Shiling, in Company Nine pence.

Each Colt or Calfe three pence.

Each Hog eight Stivers in Wampum or A Silver two pence.

Each Sheep four Stivers Wampum or A Silver penny.

Each Barrell of Rum Sugar Molasses Oyle Pork &c.: three pence.

Each Empty Barrell four Stivers Wampum or A Silver penny.

A Beasts hide the like.

A Firkin or Tub of Butter two Stivers Wampum.

Every three Bushell of Corne A Silver penny or four Stivers of Wampum.

A Pale of Butter two Stivers.

Every Bushel of Salt two Stivers.

Every hogshead of Tobacco Nine pence.

The commodities of traffic are of interest, as well as the rates, the latter having noticeably increased over those proposed in the early days of municipal ferriage. For a single person as well as for cattle and horses the rate had doubled in that interval.

Mr. Rip Van Dam was the " fairest " bidder for the place under the preceding conditions, and the ferry was let to him on the day appointed.¹ Additional ferry business was transacted at the succeeding meeting, February 27, 1699, when a committee was appointed to superintend repairing the ferry barn and to report upon the cost of building the house.² Subsequently this committee was instructed to ar-

¹ *M. C. C.*, vol. ii, pp. 70-72.

² *Ibid.*, vol. ii, p. 73.

range about material and men for the purpose. About three weeks later they reported that Peter Willemse Roome had been engaged as builder.¹ From the records of November 2, 1699, an estimate of the money needed during the ensuing year includes £435 for the ferry house. On January 16, 1700, Roome received his final payment of the above mentioned sum in full for materials and labor in building the house.²

It would seem that Rip Van Dam, the lessee, must have arranged with John Euwatse to look after the ferry, for we read in the record for September 6, 1699, that "What Money Shall be disbursed by Mr. John Euwatse for ye Nessessary Repair of ye Barne and bridge att ye Ferry be Allowed to him On Acct & that A Well be made and the Ground belonging to the Citty be Inclosed within fence." ³

Euwatse, like his predecessors, evidently had difficulty in the execution of his bargain, for we find him sending a petition to the common council which appointed a committee (February 20, 1700) to investigate conditions and see how things might be improved.⁴ No record is available regarding their report, but evidently Euwatse was not satisfied, for the treasurer was ordered, on May 17, to demand of him his rent arrearages, threatening him with removal if these were not paid by the twenty-fourth of June. The treasurer was also to see Van Dam and demand of him an execution of his lease. It is interesting to note that the dock master's rent was also in arrears at this same time.⁵

Neither threats nor orders made any impression upon the ferryman, Euwatse. The treasurer reported that he had ordered him to move out of the ferry house by June twenty-

¹ *M. C. C.*, vol. ii, pp. 75-76.

² *Ibid.*, vol. ii, pp. 96-97.

³ *Ibid.*, vol. ii, p. 84.

⁴ *Ibid.*, vol. ii, p. 100.

⁵ *Ibid.*, vol. i, p. 106.

fifth.¹ He gave no heed, but continued to ply his boats and pocket the revenue. On August 16 he made bold to appear before the councilmen and again refused to pay arrearages of rent or sign the lease, whereupon he was ordered to quit the ferry house by the twenty-fifth of September.² Again he snapped his fingers at the magistrates and kept right on carrying passengers and freight across the East River. Finally the long-suffering board, on November 2, ordered the mayor to sue Euwatse for the rent and to "Eject" him.³

This last action impelled Euwatse to recede somewhat from his position, and through some of his friends on the board he proposed to remove from the ferry on March 25, 1701, and suggested that all differences between him and the city be settled by arbitration, each party to name two arbitrators. In case the four did not agree, they might "Choose An Umpire who Shall finally Determine the same." The board agreed to arbitrate, but was careful to specify that "he Enter into Bonds of Arbitration of £500 to Abide & fullfill their Award and that neither Mr. Van dam or any Attorney be any of the Arbitrators."⁴ Samuël Staats and Robert Walters were named as arbitrators for the city, but at the next session of the common council the mayor informed them that those men refused to serve, "whereby the said difference is not brought to A period." However, Euwatse appeared in person and offered forthwith to pay £50, and £40 more on March 25 next, in full consideration of all rent due from him. "In Witness hereof the said John Euwatse hath hereunto put his hand the 30th November 1700. John Ewetse."⁵ By the above quoted

¹ *M. C. C.*, vol. ii, p. 108.

² *Ibid.*, vol. ii, p. 109.

³ *Ibid.*, vol. ii, p. 121.

⁴ *Ibid.*, vol. ii, p. 123.

⁵ *Ibid.*, vol. ii, p. 125.

record we are led to believe that the board accepted the proposition. Arrangements were made at the next meeting to lease the ferry for seven years to the highest bidder, "together with the New Brick house Barne and horse pen."¹

The stated conditions for farming the ferry at this time were the same as those published two years earlier except that experience had suggested that "the farmer shall be Obligated within Eight days Next Ensueing the Date hereof to Execute his Counter parte of the Lease."² The new brick house, barn, well, and "bridge to Land on" were to be kept in good and sufficient repair during the period of lease.³ Dirck Benson, the highest bidder, offered £145 per year;⁴ but when the time came for him to sign the lease and give security, he desired to have included in the lease the old house which had been displaced by the new brick house and which the council had rented to Mayor de Riemer for £20 per year. The board named a committee to farm the ferry again and resolved to commence an action against Benson for the damages sustained by his non-performance of the conditions for farming the ferry.⁵ However a compromise was effected, whereby Benson's payment was reduced to £130 annually.⁶

The new brick house was completed at about the time Benson became ferry master, but Euwatse had so far failed of his agreement to keep the other buildings in repair that the new incumbent had to expend £30 at once in sundry repairs, an account of which was ordered to be paid by the treasurer.⁷ The quarterly payment due the city remained the same uncertain quantity under Benson as under Euwatse,

¹ *M. C. C.*, vol. ii, p. 127.

² *Ibid.*, vol. ii, p. 130.

³ *Ibid.*, vol. ii, p. 131.

⁴ *Ibid.*, vol. ii, p. 132.

⁵ *Ibid.*, vol. ii, p. 133.

⁶ *Ibid.*, vol. ii, p. 135.

⁷ *Ibid.*, vol. ii, p. 156.

because on February 15, 1703, after the treasurer had reported that "he has made Many Demands of Dirck Benson for the Rent of the ferry due from him to the City which he hath Refused to pay from time to time," the common council resolved to proceed against the ferryman "for the Recovery of the same."¹ This resulted in Benson's handing over £60 a month later.² Ex-Mayor de Riemer also proved to be a delinquent in paying his rent for the old ferry house; the ferry money, also, that Euwatse owed the city when Benson succeeded him as ferryman, March 25, 1701, the council was still trying to get from him two years afterward.³

Leniency on the part of the city magistrates was the usual rather than the unusual thing, and it is hardly necessary to seek an explanation in this case more than in any other. However, the officials appear to have understood why the ferrymen fell behind in their rents, as is shown in their petition to Governor Lord Cornbury under date of February 15, 1703.⁴ They state that many people take the liberty of

Transporting themselves and goods to and from the said Island of Nassaw over the said River without Coming to or Landing att the used & Accustomed place where the said ferry is Kept and Appointed to the great loss and Damage of your Petitioners, whose farmer of the said ferry Complains he Cannot live upon nor longer hold the same though att A Moderate And Very Easy Rent.

The lessee sought to remedy this "Mischiefe and Inconvenience" by being granted all the vacant land from high water to low water mark fronting the harbor of the city "from the East side of Red hooke Upon Nassaw Island

¹ *M. C. C.*, vol. ii, p. 221.

² *Ibid.*, vol. ii, p. 230.

³ *Ibid.*, vol. ii, p. 230.

⁴ *Ibid.*, vol. ii, pp. 221-2.

Aforesaid to the East side of the Wallabout upon the said Island for the better and more Convenient taking in & Landing of passengers Corne and Other goods & things bound to and from this Citty."

At the time, this petition was not granted, but five years later the governor bestowed such a grant in the so-called Cornbury charter (April 19, 1708), much to the disgust of the inhabitants of Brooklyn, who, however, if they dwelt by the water side, were given the right of transporting themselves and their goods over the river, provided they carried no strangers.¹

In the meantime the city was having its troubles with Benson, the ferryman. On May 26, 1703, the council resolved to commence a process at law against him for arrearages of rent and "breach of Covenants."² The process of law was slow in those days, as well as now. The next thing we read, six months later, is that "an Action is now depending in the Supream Court of this Province." This action Benson sought to annul by a "Memorial" to the common council. "He humbly begs leave to Represent that the profits and Advantages Arising by the Said Ferry are greatly diminished from what the Same were formerly." He claims that he is impoverished by his high rent and his expense in maintaining the ferry and that it will mean the utter ruin of his family to continue the work under the "Terms and Covenants Mentioned in his Lease." He hopes the court will appoint a committee "to Enquire into the great hardships he lyes under," and that the controversy may be amicably adjusted without "the Severe Rules of the Law."³ Such a committee having been appointed, Benson made two propositions: First, to give up the ferry at once and pay "presently" the whole rent, together with any legal charges

¹ *Colonial Laws of N. Y.*, vol. ii, pp. 592-3.

² *M. C. C.*, vol. ii, p. 235.

³ *Ibid.*, vol. ii, p. 252.

that had accrued from the time he assumed the work. Second, to pay his arrearages in rent and for the remainder of his term pay £70 per year instead of £145.¹ The court took a month to "maturely consider" his proposals and then resolved to "abate him" £30 per year (making his rental £115), if he would forthwith pay all arrearages and legal charges.² Without any exact knowledge, we are left to assume that Benson was looking for more generous terms than these, for there is a record, two months later (April 3, 1704), that the court has "again duely Considered the proposals of Dirck Benson." Their resolution,³ however, is in almost the exact words of the previous one and concludes with the statement that the action now pending will be prosecuted to the utmost if he refuses to comply.

It is very certain that Benson did not comply and that prosecution "to the utmost" was again delayed, and we are prepared to find the ferryman appearing before the court with more complaints and another proposition.⁴ His complaints were that his revenue had greatly diminished, among other reasons because of the pestilence⁵ and the establishment of a rival ferry at "yellowhooke." His proposal was to surrender his present lease and take out a new lease for the remainder of his term of seven years, during which time he would pay £700 to the city, £100 in a week, £100 more in a month following, and the remainder in such reasonable time as the court should think right. Perhaps the court felt that there was some justice in Benson's complaints or perhaps the prospect of receiving £200 in five weeks was encouraging. At any rate they accepted his proposition and gave him an additional year to pay the remaining £500. He must also pay all the legal charges that had accrued.

¹ *M. C. C.*, vol. ii, p. 253.

² *Ibid.*, vol. ii, p. 254.

³ *Ibid.*, vol. ii, p. 259.

⁴ *Ibid.*, vol. ii, pp. 267-8.

⁵ *Ibid.*, vol. ii, p. 203.

A little less than a year later (August 2, 1705), a committee appointed to audit the account of the farmer of the ferry reported £176 2 1 as the amount due the corporation, the 12th of April last past, "in full Ballance of the Rent of the ferry house & ferry during his Lease."¹ So Benson was fulfilling his agreement surprisingly well, and the common council was willing, despite the covenants of the lease, to discount £30 from his rent for repairs during that year.² Just before the end of his term, however, in 1708, a vigilant committee reported in detail on repairs that were again needed at the ferry house, and Benson was called upon to complete those repairs before he was released from his bond.³ Then, as now, all waterside property entailed extensive repair charges.

Some six months before the end of Benson's term the common council had made arrangements for leasing the ferry again. Five years was to be the term instead of seven. The Manhattan landing places were explicitly defined thus:

Every Munday and Thursday at Countess Key.

Every Tuesday and fryday at Burgers Path.

Every Wensday and Saturday at the Dock Slip near Coll Cortlandts house and at no Other places whatsoever.⁴

This was later amended so as to allow for landing after sunset, "att the most Convenient place."⁵ James Harding, victualler, became the new lessee, at £180 per year. A victualler might well bid for the ferry, because the revenue from the bar at the ferry house in Brooklyn had always been in the mind's eye of the bidder.⁶

¹ *M. C. C.*, vol. ii, p. 284.

² *Ibid.*, vol. ii, pp. 280, 287.

³ *M. C. C.*, vol. ii, pp. 347, 349; see also vol. ii, p. 369, to show that he had not yet complied.

⁴ *Ibid.*, vol. ii, pp. 330-3.

⁵ *Ibid.*, vol. ii, p. 338.

⁶ Stiles, H. R., *Hist. of Brooklyn*, vol. iii, p. 509; see also *Recs. of N. Am.*, vol. iii, p. 5.

Reference has already been made to the competition the different ferrymen felt from private boatmen on the Brooklyn shore. On January 23, 1708, about three months before the Cornbury charter was granted, Cornelius Sebring, a King's County member of the provincial assembly who owned a farm "directly over against the center" of the city of New York, petitioned Lord Cornbury, the governor, for a ferry privilege. This privilege was to be limited "on the Island of Nassauw on the One Side by the old ferry and on the other side by the Red hook and on the side of New York between the Slip at Captain Theobalds unto the great Bridge." The petitioner claimed that this privilege could not harm the old ferry, "it being not so convenient for that ferry to send their boats to the South end and Center of the City where he proposes to send his." Furthermore, he did not expect the old ferry boat to be excluded from his limits, and he was willing to accept such regulations and transportation rates "as to your Excellency shall seem meet."¹

The governor gave Mayor Ebenezer Willson a copy of the petition to read to the aldermen and assistants at their meeting, on February 2. The councilmen made haste to draft a counter petition which, at a special meeting on February 4, was "three times read and Approved and signed by this Court Nemine Contra dicente."²

As a specimen of the defense of municipal privileges in colonial America, this petition is undoubtedly the earliest of any importance:

To His Excellency Edward Viscount Cornbury, Capt. General and Governour in Chiefe of her Majestys Province of New York &c: and Territories depending thereon in America and Vice Admiral of the same &c:

¹ *Documentary History of New York*, vol. iii, pp. 255-6.

² *M. C. C.*, vol. ii, p. 343.

The Humble Petition of the Mayor Aldermen and Commonality of her Majesty's City and Corporation of New York

Most Humbly Sheweth

That The Inhabitants of the Said City and Corporation for Seaventy years past have peaceably and Quietly Possess'd and Enjoy'd several Rights Liberties Priviledges Franchises Free. Customs Preheminencies Advantages Jurisdictions Emoluments and Immunities Granted & Confirmed unto them by her Majestys Royal Ancestors and the divers Governours Authorized and Commissioned by them as well as by the several Governours Directors and Commanders in Chiefe of the Nether Dutch Nation whilst the same was under their power and Subjection to the great increase of her Majestys Revenue and the sencible Growth and Advancement of her Majestys Said City & Province and among the Rest that of the ferry between the said City and Nassaw Island (formerly called long Island) and that the loading and landing place of the Said Ferry from this City on Nassaw Island hath been Commonly Esteemed and Reputed for seaventy years past to extend from A heap of Rock Stones Gathered together on A small wharfe or Landing bridge Near the ferry house on the Said Island unto the West End of the Hill to the Westward of the same and that from high water to low water Mark for the Accomodation of all passengers and Travellers to and from this City as well as for the loading and unloading of wheat and Other Provisions which are Accustomed to be there loaded in the ferry boats for the subsistance of the Inhabitants of this City at all times of Tide and which Said Ferry (at the great charge & Expence of the Inhabitants of the Said City and Corporation by their Erecting several Publick Buildings for the service thereof) is rendered Very Commodious to all Persons Passing the same at very Easy and moderate Rates and is duely and Regularly Kept and attended with able men Boats and scows and without the least Complaint of Omission or Neglect by Any persons whatsoever, the Profitts whereof have allways been Appropriated by this Corporation for the

Publick Service of the Government of the Said City and is the only Considerable Income left to Support the publick Buildings Bridges Gaols Landing places fire and Candle for their watches the Sallarys of their Officers Bellmen &c: and to defray the Other publick and Nessessary Charge .of the Said City And was Granted unto the Inhabitants of the Said City under the seal of this Province in the year 1686 and Confirmed unto them by an Act of General Assembly Entituled an Act for the settling Quieting and Confirming unto the Citys Towns Mannors and Freeholders within this Province their several Grants Patents and Rights Respectively.

That your Excellencys Petitioners by your Lordships benign favour and goodness understanding that one Cornelius Sebring for his own Private Lucre and Gain is solicting your Lordship for her Majestys Grant of Another Ferry from Nassaw Island to this City and of Most of the Landing places now belonging to this City designing thereby to make Considerable Improvements to Ruine and destroy the present ferry the Chief Income And support of this Corporation for the Prevention whereof

Your Excellencys Petitioners most humbly Supplicate that your Lordship will be favourably pleased to take the premisses into Your Prudent Consideration and for the Reasons Aforesaid (tho many more may be Offered to long here to Incert) to Reject the unreasonable and unjust Petition of the said Cornelius Sebring wee having an entire Confidence of Your Excellencys Justice and goodness that as you have hitherto Protected us in our Just Rights and Priviledges (for which wee Return your Lordship our most dutiful and Gratefull Acknowledgments) So your Lordship will Continue to Countenance and Protect us in the same and that you will Ever prefer the publick welfare of So Loyall and Considerable A People as this Corporation are before the Interest and unjust Pretences of A Private Person.

And your Excellencys Petitioners as in duty bound Shall Ever pray &c:¹

¹ *M. C. C.*, vol. ii, pp. 343-4.

The mayor was instructed to employ counsel to appear before the governor in council, "to defend the Rights and Privileges of this Corporation against the unjust pretences of Cornelius Sebring." On March 3, the chief magistrate of the city had the pleasure of informing the court that Sebring's petition had been rejected.¹ The magistrates at once resolved unanimously to reiterate their request of five years earlier for all the land on the Long Island side from high to low water mark from "the Wallabought to the Red-hooke." They also desired power "to Establish one or more ferrys if there Shall be Occasion and A Confirmation of the same under A Moderate quitt Rent and at Reasonable Rates &c."² They elaborated this request in a formal petition and appropriated £300 to further the petition. Some one was keen enough to remember that this was the amount handed over to Governor Dongan some twenty years earlier, and now they were ready to buy another charter. The alacrity with which the new charter was granted is amusing, but even more so is the action of the court in mortgaging the ferry revenue to raise the £300 which they had appropriated in advance.³

Early in the following year (February 23, 1709), the lengthening of the landing bridge on the Brooklyn side and repair of the ferry barn were the objects of investigation by a special committee of the common council.⁴ Presumably the sum of £20 5 9, ordered paid to James Harding, the lessee, about six months later,⁵ was for work authorized by that committee. Whether it had become a habit with ferrymen to petition periodically for an abatement of their rent or whether there was a sufficient reason at this particular

¹ *M. C. C.*, vol. ii, p. 345.

² *Ibid.*, vol. ii, p. 346.

³ *Ibid.*, vol. ii, p. 351.

⁴ *Ibid.*, vol. ii, p. 371.

⁵ *Ibid.*, vol. ii, p. 381.

time, we can only surmise. Mr. Harding, however, presented a petition for such abatement at two successive meetings of the common council,¹ "by reason of the Great sickness of the small pox." It was rejected each time. We find no other reference to a small pox scourge at this time.

The committee appointed on January 19, 1711,² to investigate needed repairs not contained in Harding's lease, reported about a month later³ the need of repairs to the mantel piece in one room and of repairs to the landing bridge, which they considered too short. They were ordered to have these repairs made. An additional order to the same effect as regards repairs to the house, but leaving Aldermen De Peyster and Jansen off the committee, was issued at the meeting of November 2, 1711.⁴

On the day before Christmas, 1712, the ferry was leased for a term of five years "on the like Conditions it was last farmed," to Dirck Adolph who bid £211.⁵ Incidentally we may note that the process of farming the ferry was expensive. Richard Harris, at whose house the "publick Outcry" took place, received £7 10 9, "being for Expences at his house on the letting the ferry."⁶ The town clerk also received regularly a comfortable sum for printing the advertisement and drawing the lease.⁷

The same old story of necessary repairs greets us with the advent of Adolph as ferryman. He was recompensed for the not inconsiderable outlay of £101 1 8 only nine months after he had assumed office.⁸ To prevent the usual damage caused in the winter season by ice, Adolph was ordered (October 24, 1713) to secure the "Bridge at the ferry

¹ *M. C. C.*, vol. ii, pp. 397, 398.

³ *Ibid.*, vol. ii, p. 435.

⁵ *Ibid.*, vol. iii, pp. 24-5.

⁷ *Ibid.*, vol. iii, p. 34.

² *Ibid.*, vol. ii, p. 429.

⁴ *Ibid.*, vol. ii, p. 456.

⁶ *Ibid.*, vol. iii, p. 25.

⁸ *Ibid.*, vol. iii, p. 46.

with five scow load of Stones.”¹ This undoubtedly refers to the landing wharf on the Brooklyn side. The sum of £7 10 was the expense incurred²—an outlay that justified itself thoroughly if we may judge by the non-appearance of expense for repairs in the years following. Work of the same sort, to the amount of £5, was done in 1719.³

There centers about Ferryman Adolph another story of arrears in rent,⁴ a claim for abatement of rent,⁵ committees to inform the lessee of “severall Neglects and Abuses,”⁶ to “Discourse” with him and persuade him to pay arrears and the like.⁷ Abatement was allowed to the extent of £31 per annum, making his yearly payment just what Harding had paid (£180) provided he settled his arrearages without delay and was punctual in his future payments.⁸ Undoubtedly he got the abatement without living up to the conditions specified. It takes some guessing to conclude why the common council (September 30, 1717) desired to procure the passage of a bill in the colonial assembly, “for Regulating the Ferry between the City of New York and the Island Nassaw.”⁹ It may be that they wanted anyone who infringed on the ferry privilege to feel that he was violating colonial, as well as municipal, authority.

The common council at its meeting, on December 24, 1717, hit upon the idea of leasing the ferry to Brooklyn in two parts, and conditions were drawn up accordingly. The ferryman on the New York side was privileged to carry no cattle, only passengers and goods, and needed therefore to provide only two small boats. The ferryman on the Brook-

¹ *M. C. C.*, vol. iii, p. 50.

² *Ibid.*, vol. iii, p. 194.

³ *Ibid.*, vol. iii, p. 80.

⁴ *Ibid.*, vol. iii, p. 141.

⁵ *Ibid.*, vol. iii, p. 150.

² *Ibid.*, vol. iii, p. 57.

⁴ *Ibid.*, vol. iii, p. 63.

⁶ *Ibid.*, vol. ii, p. 130.

⁸ *Ibid.*, vol. iii, p. 80.

lyn side had to furnish both large and small boats and was not restricted as to his cargo. He alone had charge of the tavern and all the ferry appurtenances and derived the benefit therefrom. Both had to agree to impose no other rates than those established by the act of the General Assembly.¹ It was probably believed that a greater revenue would result in this way and that better service would be maintained. Inasmuch as it would be natural for a New York resident to bid for the New York end and a Brooklyn resident for the Brooklyn end, friction seemed to be inevitable. Happily Adolph's predecessor, James Harding, with the influential support of Governor Hunter, sought both jobs and got them, bidding £155 for the Brooklyn privilege and £85 for that of Manhattan.² Thus friction was avoided for the five-year term of his lease. Then the New York ferry was struck off to him again for £70, but John Deane evidently outbid him for the Brooklyn ferry.³ As Harding lived in Brooklyn, he appeared before the board presently and said he intended to continue his residence there and to erect a separate "Landing Bridge and Penn." The corporation conceived this "to be directly Contrary to the true Intent & Meaning of the Conditions on which the same was Demised," whereupon Harding desired to be released from his agreement. The common council made it a part of the agreement that his successor, William Wibling, must live in Manhattan.⁴ The two new ferrymen assumed their duties, March 25, 1723, and there was trouble at once. On July 23, in consequence of a petition from Wibling, the common council appointed a committee of seven to summon Deane and Wibling before them and hear their respective complaints and "use their Endeavours to heal their Differences

¹ *M. C. C.*, vol. iii, pp. 156-162.

² *Ibid.*, vol. iii, p. 163.

³ *Ibid.*, vol. iii, pp. 307-8.

⁴ *Ibid.*, vol. iii, pp. 309-10.

& to Reconcile the said Ferrymen.”¹ This committee was to report “with all Convenient Expedition,” if their efforts proved futile. As no such report appears, the differences between the two men were probably patched up temporarily.² It was reported, however, about six months later (February 18, 1724), that Wibling “hath wholly declined giving any further Attendance or Employing any Boats on the Said Ferry for the future,” offering to surrender his lease.³

In connection with the arrangements for securing a successor to Wibling we have the first suggestion of a different terminal on the Brooklyn side. A house is said to have been “lately Recovered from John seabring,”⁴ a son, presumably, of Cornelius, before mentioned as an unsuccessful petitioner for a ferry privilege. He had maintained with his family a private ferry and house, which the city had now taken over (perhaps at the “yellow hooke” previously referred to). It is not to be understood, however, that there was a second municipal ferry line to Brooklyn as yet, because in 1728, when the time came for a new lease, the common council reverted to its former custom of one lease and one ferryman.⁵ Theophilus Elsworth became the lessee for the next five years, at £258 per annum.⁶

It is worth noting that the members of the common council were “entertained” by Elsworth on his taking possession of the ferry, but six months later, when the latter put in a bill for various expenses, there was included an item for the “Entertaining of this Corporation at his House on the delivery of Possession of the Ferry,”⁷ and the

¹ *M. C. C.*, vol. iii, p. 320.

² See De Voe's *Market Book*, p. 82, for trouble between Harding & Wibling in 1725.

³ *M. C. C.*, vol. iii, p. 337.

⁴ *Ibid.*, vol. iii, p. 340.

⁵ *Ibid.*, vol. iii, p. 428.

⁶ *Ibid.*, vol. iii, p. 430.

⁷ *Ibid.*, vol. iii, p. 460.

account was "allowed." What an opportunity this would have been for the infant *Gazette* reporter, if the newspaper had taken on its present-day activities!

Thus far we have been concerned only with the ferry across East River. Prior to 1730, and indeed for many years thereafter, there was no regular ferry service across the North River, but some method of crossing the Harlem River in the direction of Albany or New England was an early necessity. At the time when Director Stuyvesant had encouraged the settlement of New Harlem, in 1658, he had promised, "at a more convenient time," to "authorize a Ferry and a suitable Scow near the aforesaid Village, in order to convey over Cattle and Horses."¹ Stuyvesant's rule had ended, however, and the new settlement had been declared by Governor Nicolls to be under the jurisdiction of the municipality of New York, when the "convenient" time for establishing the ferry came. It was in 1667 and the city's chief magistrate was Thomas De Lavall, who had a personal interest in the undertaking because he owned some lands in Harlem.

The court of mayor and aldermen granted the ferry right to Johannes Verveelen for five years under specified regulations, which are particularly interesting because they actually antedated those prescribed for the ferry to Long Island. Verveelen was required to maintain ferry houses at Harlem and on "Bronckside." The former must be a "Convenient house and Lodging," apparently something that would correspond to the "ordinary" before mentioned on the Brooklyn side of the Long Island ferry. Around the latter—the "Bronckside" house—he must clear the land and at the same time not "spoyle the meadow," and at the end of his term the city would pay him for this house at its valuation unless

¹ Riker, *History of Harlem*, pp. 183-9.

he leased the ferry again. Considering the expense he was under in building, he was assured exemption by the governor "from paying Excise for what wine or beare hee shall Retayle" for the first year. "Every man for his Meale," eight pence;¹ for his lodging, two pence; and for the "Nights hay" for his horse, four pence, were the "Ordinary" rates established. For passage, two pence per person was charged, ten pence for a horse, eight pence for an ox or cow except "Cattle under a yeare ould," six pence. An interesting "dead head" exemption was a messenger "with a packett from the Governor of New Yorke . . . or of Connectecott," perhaps the earliest provision in the records of the state for the free transportation of those on public business.²

Among other places where the Harlem River had been forded previous to the ferry grant, was Spuyten Duyvil, but it appears to have been determined that this route should be blocked by means of fences, thus turning all travelers to the ferry. As might be expected, this did not prove effectual. Habit and frugality both had to be reckoned with. In June of the year 1668, Verveelen was clever enough to induce "the remaining inhabitants of New Haerlem" to unite with him in a complaint to the court, "that the road by Spitenduyvel is used by travelers, whereby the fences there are thrown down and broken to the great injury of the Commonalty in general, whilst their cattle very often leap over them, but more especially to the prejudice of the Ferryman; redress of which they request." One John Barcker in particular, who had passed that way with a great number of cattle and horses, was ordered by the court to "pay the ferry money of all horses and cattle conveyed by him over the Spytenduyvel, whilst the Ferry has been at Haerlem."

¹ For all the rates alternate prices in wampum were given.

² *Rec. N. Am.*, vol. vi, pp. 83-4.

This money was to be used to put the fences again in repair.¹ In the same record is to be noted an expression of dissatisfaction on the part of the court that Verveelen, after a year as ferryman, had not yet finished his house and cattle pen—referring probably to the Bronx side of the river.

Before another year had passed Verveelen had made up his mind that Spuyten Duyvil was too good a wading place for him to attempt to maintain a competition against it. Governor Lovelace had now arrived in the colony. Knowing well that the court of mayor and aldermen had not been particularly pleased with him, the ferryman shrewdly took up the matter of a change in the ferry location with the new governor. Under date of February 27, 1669, the latter referred the matter to the mayor and aldermen for "their Judgment & Resolution therein."² At their next meeting the court agreed to the removal and granted him the ferry right at the new location for the remaining three years, provided "he remoeves his habitation thether, or Setleth a sufficient person in his roome to attend the said ferry," and provided also he submit an annual account of the income from the ferry.³

Thereupon the governor, apparently without any protest on the part of the court, proceeded to draw up "Articles of Agreement" between himself and the ferryman.⁴ These are much more elaborate than the regulations of 1667, established by the common council. Experience has suggested some changes in rates, quite a reduction being made for horses and cattle. The charge now for a man and horse was seven pence; for a single horse, six pence; for two horses, ten pence; for several, four pence a piece. Where-

¹ *Rec. N. Am.*, vol. vi, p. 130.

² *Executive Council Minutes*, vol. i, p. 222.

³ *Rec. N. Am.*, vol. vi, p. 170.

⁴ *Executive Council Minutes*, vol. i, pp. 223-9.

as cattle were ferried more cheaply before, now the rate is the same as for horses. An option was given the owner of a drove of cattle or horses to drive them across without the use of the boat for two pence per head. It was further stipulated that, in case a fair were being held on the island, droves were to be allowed to pass free on the day before and the day after the fair. A lodger could now insist upon sheets for his bed and get them by paying six pence extra. As before, the governor's messenger went free, as did also "any magistrate upon ye publique affaires," or those "sumoned to appeare in Armes upon any Emergent occasion."

The most interesting article in the agreement, however, was that providing that the new town or village of Fordham was "to have it's dependance upon ye Mayors Court of this Citty in like manner as ye Towne of New Harlem hath, They having liberty to Trye all small Causes under £5 amongst themselves as is allowed in other Towne Courts." Herein we see a forerunner of our Greater New York of today. Verveelen was made constable of Fordham and obliged to bear one-third the expense of a causeway over the meadow ground between the ferry and Fordham; the remaining two-thirds was to be met by the inhabitants of the new town. The lease was extended to eleven years, Verveelen being required to pay a quit rent of ten shillings per year; at the end of his lease he must "have ye house Tenantable with a sufficient boate and ye ffences and Gates kept in repaire as they ought to be Continued all ye tyme."

In 1680 there was some agitation for the building of a bridge across the Spuyten Duyvil Creek; no action was taken, however, and on December 30, Verveelen was granted the ferry by Governor Andros for seven years more.¹ After the expiration of that lease he was told by

¹ Riker, *History of Harlem*, p. 416.

Governor Dongan "to hold the premises until further order to the contrary."¹ The construction of a toll bridge actually took place in 1693-4, and in connection therewith the mayor and aldermen once more appear. Governor Dongan proposed its construction to them (January 5, 1693), "for the better accommodation & advantage, which may Accrue thereby to ye Said Citty."² After consideration the common council "doe find that itt cannott be well Accomplished without A great Charge, unto this Citty, which att present they are not Soe Capable to Defray." Therefore they proposed that Frederick Philipse be allowed to construct, "A good and Convenient draw bridg," at his own expense and receive certain fixed tolls; a penny per head for cattle, two pence for man and horse, twelve pence for each "Score of Hogs & Sheep,"³ & Six pence for each Cart & Waggon." The first bridge connecting Manhattan with adjoining shores was that at Spuyten Duyvil, constructed and maintained at private expense. We could hardly expect the same interest on the part of the magistrates in a bridge or ferry eighteen miles away at the northern end of the island that they felt in the Brooklyn ferry, so near to their weekly place of meeting and so remunerative.

¹ Riker, *op. cit.*, p. 551.

² *M. C. C.*, vol. i, p. 290.

³ *Ibid.*, vol. i, pp. 306-7.

CHAPTER VI

THE WATCH

IN these days, the *Municipal Year Book* ¹ reveals a uniformed police force of 10,588 in New York. About six hundred of these do their best to see that traffic on our crowded streets is properly regulated, about one-half keep watch at night to see that we do not suffer at the hands of the vicious.

It was not always thus. Going back two hundred and forty years, to the beginnings of the English city of New York,² we find the name "police" unknown. Three³ constables were then the city's protection, at least in the day time. Some of the things their superior officers, the mayor and aldermen, enacted for them to do, are worth noticing.

The Constable of Each ward And Division within this Citty And Libertyes thereof doe from tyme to tyme, make A Strict Search, And Enquirey within there Severall wards and Divisions After All Strangers that Shall Come Reside or Inhabitt, within their Sayd wards or Divisions And give A List And Account of their names to the mayor or in his Absence; to the Eldest Alderman, that further Examination may be made And Ordor taken therein to Save the Citty from Charge.⁴

¹ *Municipal Year Book of the City of New York*, issue of 1916.

² Its name had been New Amsterdam till 1664; ten years later, under Dutch re-occupation its name was New Orange for 9 months.

³ *M. C. C.*, vol. i, p. 64.

⁴ City Ordinance, *M. C. C.*, vol. i, p. 135.

By another ordinance one of the constables in each of the five wards south of the Fresh Water was, on the Lord's Day in time of divine service, to walk through the streets and lanes of the city with his staff, and see that the magistrates' orders were observed. He was also to enter the public houses and see if any person be found there, or any drink sold contrary to the magistrates' orders, and to make complaint to the council of any violation.¹

A large part of these English ordinances, however, are traceable to the Dutch city. For instance, special protection on the Lord's Day, during divine service, was sought for in a petition of the burgomasters and schepens to Director General Stuyvesant and his council shortly after the Indian massacre of September 15, 1655. As a result, the burgomasters were authorized to cause a "corporal's guard," on half the Sunday, to patrol and keep watch during divine service. They were also recommended to set off and enclose the city with palisades, the better to "exclude the wild barbarians."²

If we start to note how the city was protected at its very beginning in 1653, the official known as the schout demands our attention. "Fiscal" and "Schout Fiscal" are other names by which this official is designated. He was the connecting link officially between the province of New Netherland and the city of New Amsterdam. At first he was an appointee of the West India Company, like the director general, and was instructed to make complaints against, arraign and punish all delinquents and transgressors of the company's instructions and commands.³ The duty of detecting smugglers, for instance, rested directly on his shoulders.⁴

¹ *M. C. C.*, vol. i, p. 134.

² *Rec. N. Am.*, vol. ii, p. 52.

³ *N. Y. Col. Docs.*, vol. i, p. 494.

⁴ *Ibid.*, vol. i, p. 512.

On one occasion the schout called the attention of the court to the fact that a couple from New Amsterdam had been married in Gravesend, stating that this was not "in accordance with correct practice of the ecclesiastical and civil order in this City." If this were overlooked, it would "prepare a way, whereby hereafter some sons and daughters, unwilling to obey their parents and guardians, will, contrary to their wishes, secretly go and get married in such villages or elsewhere." The court considered this something to be referred to the director and his council.¹

An activity of a different type appears when the schout represented to the court, on October 19, 1654, that he had found on several nights drinking clubs, with "dancing and jumping and entertainment of disorderly people," at the house of Jan Peck, a licensed tapster. Peck also sold liquor "during Preaching" and "there was a great noise made by drunkards especially yesterday, Sunday, in this house so that he was obliged to remove one to jail in a cart."² The court annulled Peck's license. On another occasion the schout arrested and confined Aryaen Jansen van Spreckerhoorn, a sailor from the ship *Black Eagle*, who while on shore in the city, assaulted his skipper with a knife and wounded him. The leniency of the magistrates' court of those days is thus revealed: "in consideration of the delinquents youth, the intercession of the Skipper etc.," van Spreckerhoorn was condemned "to appear in Court, and there with uncovered head, ask forgiveness of God, Justice and his Skipper; to defray the costs of arrest, and pay in addition a fine of sixty Carolus Guilders."³

There had been friction between Stuyvesant and his schout fiscal⁴ a short time before the city came into existence, and

¹ *Rec. N. Am.*, vol. i, p. 155.

² *Ibid.*, vol. i, p. 255.

³ *Ibid.*, vol. i, p. 309.

⁴ *N. Y. Col. Docs.*, vol. i, p. 495 *et seq.*

the imperious director had assumed to remove the company's appointee and name his own secretary and confidant, Cornelius van Tienhoven. The character¹ of the appointee and the unwonted assumption of authority were both resented by the populace, and before the city was a year old a petition was presented to the magistrates, "that a Burgher Schout may be chosen and qualified and that the Company's Fiscal may no longer trouble himself as Schout about Citizens' cases."² In a memorial to the directors of the West India Company, under date of December 24, 1653, the burgomasters and schepens request that, at least, they may nominate two men, from whom the governor and his council may choose one.³ Little satisfaction came from these petitions, and van Tienhoven remained in office until after the Indian uprising of 1655. The directors then wrote to Stuyvesant that they believed the schout fiscal, "with clouded brains filled with liquor," might have prevented even if he did not cause the "doleful massacre,"⁴ and Stuyvesant felt compelled to remove him. Even then he gave the people no voice in the appointment of his successor.

Important as this official was in New Amsterdam, he was even more so during the brief existence of New Orange. Governor Colve, on January 16, 1674, gave instructions that "The Schout shall be present at all meetings and preside over them unless the Honorable Governor or some person appointed by him be present." When, however, schout, burgomasters and schepens met as a court, the schout having made his complaint as prosecutor, had to "rise up and absent himself from the Bench during the decision of the case."⁵

¹ See Mrs. Schuyler Van Rensselaer, *History of New York City*, vol. i, ch. x and ch. xi, for a portrayal of the same.

² *Rec. N. Am.*, vol. i, p. 127.

³ *Rec. N. Am.*, vol. i, p. 144.

⁴ Mrs. Van Rensselaer, *op. cit.*, vol. i, pp. 375-6.

⁵ *Rec. N. Am.*, vol. vii, p. 37.

Other instructions were :

He shall take care that the jurisdiction under his authority be cleansed of all vagabonds, houses of ill fame, gaming houses and such impurities. He was to "execute all judgments of the Burgomasters and Schepens without relaxing any, unless with the advice of the Court." He was instructed plainly not to presume either directly or indirectly "to compound with any criminals," but leave them to the judgment of the magistrates. In recognition of his services he was to receive all fines imposed during the year up to the amount of 1200 guilders and half of all other fines.¹

In the day time the security of the Dutch city was largely in the hands of this official, superimposed on magistrates and burghers. The city was not yet two years old when the burgomasters and schepens began to meditate on the need of protection at night. A record of November 9, 1654, shows that they proposed to establish a "Rattle Watch" of four to six men to guard the city by night. Rules for such a watch were to be prepared and any citizen desiring to hear the same and undertake the work was invited to appear at the city hall a week later. No one appeared and "the meeting adjourned without anything having been done."² Thus, for four years more only such protection was afforded the inhabitants as came through the city's schout.

The Indian attacks of 1655 already mentioned, the disturbances up the river in 1658, and the native fondness of the savages for making their attacks under cover of darkness again suggested the rattle watch, and it became a reality with the shortening days and the approach of winter in 1658. The burgomasters engaged Pieter Jansen, Hendrick van Bommel, Jan Cornelisen van Vlensburg, Jan Pietersen, Gerrit Pietersen, Jan Jansen van Langestraat, Hendrick

¹ *Rec. N. Am.*, vol. vii, p. 38.

² *Ibid.*, vol. i, p. 265.

Ruyter, Jacques Pryn and Thomas Verdon for the watch. They were to receive twenty-four stivers per night. Four were to watch one night, the other four the next, and they were promised one or two beavers with which to get candles and two to three hundred pieces of firewood.¹ With much reason, therefore, the above eight men may be called New York's first squad of police. Likewise Lodowyck Pos, "Captain of the Rattle Watch,"² is the predecessor of all our police captains. In the case of Captain Pos the collection of fifteen stivers per month from all house holders, widows and those whose husbands are from home, preachers and servants excepted, was authorized for the support of the watch.³ He was instructed to spare no one in his collections. If he discovered that any name was lacking on the list given him, he was to give in the same in writing to the burgomasters. As he went his rounds, if any one threatened him, he was to complain of the offender to the burgomasters.⁴ The duties of this rattle watch were elaborately defined under seventeen "items."⁵ The watchmen were expected to appear promptly on the ringing of the bell, to supply a substitute if detained by reasonable business, not to report for service drunk nor commit "any opposition, insolence or impurity" within city hall square or in going the rounds; not to go away from the watch without cause nor to go to sleep while on watch nor to "lie still when people call Val Val," nor to "blaspheme the name of God." No one was to fight with another on the watch or even in the morning coming from the watch; indeed the watchman was not allowed to express a desire to fight or challenge any one to fight or to threaten to "beat" him in the morning after the watch was dismissed.

¹ *Rec. N. Am.*, vol. vii, p. 195.

² *Ibid.*, vol. vii, p. 198.

³ *Ibid.*, vol. vii, p. 202.

⁴ *Ibid.*, vol. vii, pp. 200, 201.

⁵ *Ibid.*, vol. vii, pp. 196-7.

Penalties were attached for the violation of orders, varying from six stivers (12c) to six guilders (\$2.40). All fines, as well as presents or fees, were to be pooled and divided among the members four times a year. Furthermore, the occasion of their receiving this money was not to be celebrated by any "drinking meeting." The series of negations or prohibitions ends with the positive instruction that they "shall be bound on going the rounds to call out how late it is, at all corners of the streets from nine O'Clock in the evening until the *reveillé* beat in the morning."

The English at New Haven had established a watch for service both at night and on Sunday some eighteen years earlier, but there is very little to indicate that the Dutch borrowed their regulations. There it was a drum-beat rather than a bell that summoned the watch. Six men and a master of the watch made up one such night guard, and there were in 1642 thirty-one separate watches, comprising two hundred and seventeen men. In forming the membership of a watch, "young and less satisfying persons shall be joyned with another more antient and trusty." What the Dutch divined in advance and embodied in their regulations, the English made known by special proclamation, in August 1642, as follows: "henceforwarde none of the watchmen shall have liberty to sleep during the watch."¹ While the New Haven watch was considered a part of the military, the New Amsterdam watch was purely a citizens' affair.

On January 10, 1661, apparently after the "Rattle Watch" had been allowed to lapse, it was revived. Eight men, including only two of the first watch, took the oath of fidelity to the instructions of 1658 and were employed by the burgomasters at eighteen guilders per month, practically the same compensation as before.² At this time no one was con-

¹ Levermore, C. H., *Republic of New Haven*, pp. 51-8.

² *Rec. N. Am.*, vol. vol, vii, p. 265.

sidered eligible for service on the watch who did not live within the city gates. Any one inclined to leave the watch was called upon now to give notice to the burgomasters fourteen days previous or lose his pay for the month. Pos was again made captain of the watch at ten guilders per month, although informed by the burgomasters that some complaints had been lodged against him. He must take care that every one come to the watch in his turn. Also, if fire should break out, he was to attend to it and expect the assistance of that half of the watch which was not on duty.¹ Thus we see the functions of police captain and fire captain were at first lodged in the same man. The captain was further instructed not to exempt the company's servants from the watch tax; also he must show the burgomasters a list of the street corners where the watch should call out the hours.

We have every reason to believe that the watch was maintained under much the same regulations after New Amsterdam became New York, in 1664. In November 1665, the number watching each night was increased to six.² In default of watching the court declared (January 5, 1674) that every man should pay two shillings for "every neglect of duty without respect of persons." In case of refusal to pay the constables were empowered to "distreine."³

With Dutch re-occupation, in July 1673, the ordinances show (December 27, 1673) that the burgher watch was now to be summoned by beating of a drum instead of the ringing of a bell. All persons were forbidden to enter or leave the city, except through the city gate, "on pain of DEATH," and no one except the watch was allowed on the bulwarks or bastions between sunset and sunrise, "on pain of bodily correction."⁴

¹ *Rec. N. Am.*, vol. vii, pp. 264-5. ² *Ibid.*, vol. v, p. 320.

³ *M. C. M.*, February 9, 1675.

⁴ *Rec. N. Am.*, vol. vii, pp. 35-6.

As now, in tracing the development of the watch, we leave Dutch control behind, we must consider the constable again. During the first English occupation, the people were content to be protected much as they had been before 1664. The schout was designated sheriff. We look in vain to find a constable connected with the city government until October 27, 1669, when the mayor's court appointed Warnaer Wessels to that office and requested him to appear to take oath.¹ In his capacity of constable he brought two men before the court (May 10, 1670) with the complaint that they refused to obey his order to assist him in bringing a drunken Indian to the city hall. The defendants were fined six guilders each.² To some extent he appears to have been relieving the sheriff, but he was not yet so important an official as in the towns of Long Island,³ or even in New Harlem.⁴

With the second English occupation, however, the traditional importance of the constable in English communities clearly applies. The watch was now called "The Constables Wattoo," because it was he or his deputy who was responsible for locking the city gates "before nine of the Clock"; it was he who called the roll of the watchmen after the gates were shut, "the faylers to be marked." It was the constable also who gave to the mayor an account of any disorders that occurred during the night's watch. A sergeant or corporal of the watch assumed charge of the force after the roll had been called; his instructions directed him explicitly to "come with his Halberd" and see that the others had each a sword and "good halfe Pike." He was to see that "centinall" duty was equally proportioned, one hour at a time to be the limit. Rounds of the city were to be made at least three times every night and the vicinity of the bridge

¹ *Rec. N. Am.*, vol. vi, p. 203.

² *Ibid.*, vol. vi, p. 233.

³ Thompson, B. F., *History of Long Island*, vol. i, p. 140.

⁴ Riker, *History of Harlem*, pp. 241-2.

must have special attention.¹ Shirking sentinel duty or absence from the watch, card playing, swearing, cursing, drinking and fighting, were all subject to fines and in general these fines were larger than those of Dutch days.² Then, quite as much as now, it was recognized that the city needed to be protected from the very watchmen who were supposed to protect her.

It was recognized also that friction was possible among the watch, "upon the account of being of different nations." An English constable, too, very likely might not have the support of the Dutch members of the watch. A case in point appears in the records of the mayor's court under date of January 15, 1678, when Constable Paul Richards complained of being assaulted by one Jacob Smith. The complete record is as follows:

	The Plt. complains against the Deft.
Mr. Paul Richards	for that hee the 15th day of this Instant
Constable	the Plt. being att the Citty hall upon the
vs.	Watch the Deft. with force and Armes
Jacob Smith	(viz) with Swords Staves & Knives
	upon ye Plt. made an Assault contrary
	to ye Peace of our Sovereign Lord ye King &c.

Ordered that the Deft. find Sufficient Security in £25 for his good behaviour till next Assize and pay for his offense 20 s. to the Towne and forfeite his Sword to the Provost and pay costs and fyne all that was upon the watch and not assisting and Aiding the constable 2 s. 6 d. a peece and to pay Costs.

Even in the "good old days" an occasional shirk appeared. During the latter part of the summer of 1677 the

¹ Note the similar Boston regulation of 1662: "That they vigilantlye view the waterside and motion of vessels about the shoore." *Boston Town Records*, 1660-1701, p. 9.

² *M. C. C.*, vol. i, pp. 8-9.

constable complained to the mayor on account of "ye watch being but few in number, but Six men."¹ The mayor ordered the constable to go to the house of one Thomas Taylor, "being ye said Taylors watch night," and demand of him to come and "doe his duty upon ye watch as others did." Whereupon Taylor proceeded to hedge; he did not know whether it was his night or "noe." Of this, however, he was assured by the constable, Jacob Molyne. This did not avail, and we read from the record that "ye Constable after perswading all ye wayes he Could to get him to ye Guard," received the answer of the small boy who does not want to go to church, "that he was not well." Back went the constable to the mayor, who instituted an examination of the constable and watch, but could not find that "ye sayd Tho. ayled anything," and commanded the constable to fetch him. Still he "denyed" to come until Molyne commanded him in "ye King's name." This authority prevailed and he followed the "Constable to ye guard but went away in a very short time after hee Came, unknowne." The court fined him for "Contempt to ye Authority of this Citty."²

Evidently Taylor was not the only transgressor, for upon the 18th of December 1678 the provost received an order as follows:

Forasmuch as I am informed that several persons doe refuse or neglect to Watch or to pay for ye same and that severall others doe not conforme themsellves according to the Orders sett up in the Watchhouse in ye Citty hall, *These* are therefore to charge and comand you that you forthwith levy of all and every person & persons so neglecting & offending all and

¹ Probably the number needed on the watch varied with the season. Fifteen names are recorded as watching on the night of November 1, 1679. Cf. *M. C. M.*, November 2, 1679.

² *Ibid.*, August 2, 1677.

every such Fine & Fines, summe and summe's of Money as in & by the said orders is mentioned & expressed (yet unpaid) And the Arrearages thereof of all & every the persons so refusing or offending by Distresse & Sale of the Offenders goods.¹

"All and every person and persons" in the above command was very sweeping and included, of course, the elders and deacons, who at once petitioned successfully to be excused from the watch.² If any of those elders and deacons had been members of the watch on November 1, 1679, they might have shared in quite a "mix-up."

In the mayor's court the next day William Merritt,³ who figured prominently in the city affairs during the next twenty years, testified that he heard a noise in the street the night before near his house. He went out and saw the watch fighting with some Englishmen and heard some of them cry out, "Slay the English doggs, slay the English doggs." There was further testimony involving pulling by the hair, beating "very sorely" and "breaking his head in several places," that led the court to declare, "the whole watch are fined for the battery and breach of the peace Tenn pounds."⁴

Such a watch would scarcely find great favor with the English governor and his council. Furthermore there were disorders occasioned by Indians and slaves which led the governor to establish a military watch.⁵ The orders for this

¹ *M. C. C.*, vol. i, pp. 71-2.

² *M. C. M.*, January 14, 1679; *M. C. C.*, vol. i, p. 72.

³ An Englishman, of course. It will not do for the reader to decide the nationality from the name. See the illuminating chapter in Mrs. Schuyler Van Rensselaer's *History of New York* (vol. ii, ch. xix).

⁴ *M. C. M.*, November 2, 1679.

⁵ *M. C. C.*, vol. i, pp. 90-92. The orders given for this watch are without date, but when they are considered in connection with other minutes, 1682 seems the probable year.

watch were issued over the signature of A. Brockholls, acting governor since the departure of Andros, and show some changes from the orders of 1676. Militia companies and their officers were to take the place of citizens and constables. The "good halfe pike" was to be displaced by the gun. Sentinel duty may now continue for two hours. In making their frequent rounds the watch must have concern for good order in "Publique Houses" and permit no drinking in such after ten o'clock. "Any Loose Vagrant or Disorderly persons that Cannot Give a Good Account of their Lives and Conversacons and of their Occassions abroad or up in the night," were to be arrested and brought before the mayor the next morning. The constable's only duty connected with the watch was to accompany the marshal and collect all forfeitures and fines once in three days.²

Two years later a new governor had arrived, in the person of Thomas Dongan, and almost coincident with his arrival appears a move on the part of the common council in anticipation of a return to the constables' watch. This bears the date of March 29, 1684, and provided that the constables of the five wards south of the Fresh Water² were to list all males over sixteen in their several wards, "that A watch may be Settled and Apoynted."³ On July 10 following it was "thought Convenient That the military Officers and Troopers" be excused from the watch and that the constables of the five wards before mentioned take turns each night and hire eight persons each at twelve pence per night to assist them. This money was to be paid out of the city treasury and it was proposed to raise the money by a

¹ *M. C. C.*, vol. i, pp. 90-92.

² A name commonly applied to a body of water located where the Tombs prison is now.

³ *M. C. C.*, vol. i, p. 147.

tax "On Each house."¹ It would seem from this that the city chose to tax itself for a civilian watch rather than to continue the military one. A number of orders for a constables' watch² bearing no date, are probably to be associated with the renewed establishment. These bear close resemblance to the orders of 1676. The constable or his deputy must now remain on the watch all the time. Experience with men like Thomas Taylor doubtless suggested that the marshal notify those whose turn it was to watch. And after that *melée* of November 1, 1679, we are prepared to read that in going the rounds the watch must be "Still and quiett And not Suffer any Laughing or Loud talking in the Streets." Newcomers after one month's residence were to be listed to "watch and ward," as well as to pay all taxes and assessments.³ The constables' watch was apparently still in operation five years later, because it is recorded that the bellman⁴ was paid £11 4s for his services (£8 14 at one time and £2 10 at another).⁵

However, the first intercolonial war commenced in 1689. The French and Indians fell upon Schenectady, February 9, 1690. It was also the time when strife was rampant within the city between the Leislerians and their opponents. Therefore we are not surprised to find captains instead of constables in charge of the watch, or "Night Guard,"⁶ as it was now more usually termed, in the records of the following winter.⁷

The expense to the city for firewood and candles for the watch, which had usually been inconsiderable (thirty-six shillings for wood, February 18, 1692),⁸ increased greatly

¹ *M. C. C.*, vol. i, p. 153.

² *Ibid.*, vol. i, p. 154.

³ *M. C. C.*, vol. i, pp. 205-6.

⁴ *Ibid.*, vol. i, p. 266.

⁵ *Ibid.*, vol. i, p. 93-4.

⁶ *Cf.*, p. 165.

⁷ *Ibid.*, vol. i, p. 390.

⁸ *Ibid.*, vol. i, p. 266.

in the latter years of this war. Warrants for the payment of £40 12 were ordered signed by the mayor on October 12, 1695.¹ For the year ending August 1, 1696, the city handed out £54 3 3² against an estimate of £50 that was reported November 19, 1695.³ The next year £63 was the amount required. During these years seven captains of militia were reimbursed at the end of the year for money they had advanced.

The war closed with the Peace of Ryswick, September 20, 1697. Very significant it was, therefore, that exactly two months later (November 20, 1697) Governor Fletcher suggested to the city magistrates that the city militia might be displaced by a civil watch. The mayor was therefore authorized to arrange with "four Sober honest men" for such service on "Such Reasonable Terms as he Shall Judge Needfull."⁴ So, after some years, the ringing of the bell at street corners was heard again during the night and the term "Bellman" came more and more to take the place of "Watch." Sometimes we find "Watch and Bellmen."⁵ Fines and forfeitures were now done away with. The men appointed had to go under £500 bond to "well and truly Execute the Said Office."⁶ Each hour now, more frequently than before, they were to "goe round the City" and "proclaime the season of the weather and the hour of the Night," as they rang the bell. If they met any people disturbing the peace or lurking about any one's house or committing a theft, they were to "take the most prudent way they Can to Secure ye said Persons Untill the Next Morning that they may be Examined by the Mayor." They were to expect the aid of the high constable and all other constables

¹ *M. C. C.*, vol. i, p. 384.

² *Ibid.*, vol. i, p. 423.

³ *Ibid.*, vol. i, p. 390.

⁴ *Ibid.*, vol. ii, p. 20.

⁵ *Ibid.*, vol. ii, pp. 207, 209.

⁶ *Ibid.*, vol. ii, p. 24.

in the execution of this duty.¹ Theirs also was the care that "No damage be done in this City by fire or Other Casualties."²

The bellmen were regularly supplied with bell, lantern and hour glass³ (sometimes a two hour glass).⁴ They were paid a lump sum that covered their expense for wood and candles,⁵ but a portion of this sum would be advanced "for providing them with fire, Candles, &c."⁶ It is not easy to understand why it was necessary to pay the four men £60 in 1698,⁷ and only about half as much from and after 1705.⁸ Five months of service in the winter, from about November 1 to about April 1, was the usual agreement.⁸ During the winter of 1712-3 six men were employed for £51,⁹ and the same number served the following winter. In 1714, arrangements were made for some bellmen for the summer season; two men, serving all the time from May 1 to November 1, were paid £8 each, and a third, £4 for part of the time.¹⁰ From that time on (until 1731) there was a night watch during the whole year, generally of four men, who were paid £36 for the winter season and £28 for the summer.¹¹

With the reestablishment of the citizens' watch after the First Intercolonial War it is noticeable that the constables do not seem to have the same responsibility as before. The watch was responsible directly to the mayor, although the latter would appear to have made some use of the marshal therewith. The name of this interesting official, who might

¹ *M. C. C.*, vol. ii, p. 62.

² *Ibid.*, vol. ii, p. 243.

³ *Ibid.*, vol. ii, p. 291.

⁴ *Ibid.*, vol. ii, p. 454.

⁵ *Ibid.*, vol. ii, p. 62.

⁶ *Ibid.*, vol. ii, p. 313.

⁷ *Ibid.*, vol. ii, p. 28.

⁸ *Ibid.*, vol. ii, pp. 207, 243, 281, 364, 454.

⁹ *Ibid.*, vol. iii, p. 20.

¹⁰ *Ibid.*, vol. iii, p. 79.

¹¹ *Ibid.*, vol. iii, p. 217.

be called the forerunner of our police commissioner, first appeared in the common council's petition to Dongan in 1683, and the latter wanted to know what was meant by "Marshall." He was described as "an under officer Assistant to ye sheriffe in serving writts sumoneing Jurys looking after prisners & attending ye Court." The common council offered the further explanation that the marshal and the "Cryer" had hitherto been the same person, and they continued to be one person under the charter.¹ Sometimes the term "Cryer of the Mayors Court"² is used; sometimes "Marshall to the Court;"³ sometimes "Cryer and Merchall";⁴ sometimes "Marshall and Bellringer."⁵ In this latter case bellringer must not be confused with the bellman of the night watch, the former ringing his bell as a summons to the mayor's court.⁶ Enoch Hill was appointed by Mayor De Peyster, November 8, 1698, as "his Marshall and Messenger to the Common Council." The mayor expressed a desire that the marshal be allowed "A Coate Breeches Hatt Shoes Stockings and A Cloake of ye Citty Livery And A Beedles Staff att ye Citty Charge." The board agreed and desired that the "Livery be blew with An Orange List."⁷ This is the first evidence of anything like a policeman's uniform in the history of the city. The marshal, with a constable to help him, had been assigned to secure the payment of fines from the military watch in Andros's time, and during the military watch in the time of the war he is recorded as having bought wood for the watch.⁸ Later on he made frequent "Journeys to Harlem," and in one instance he was the city official who provided a

¹ *M. C. C.*, vol. i, p. 106. ² *Ibid.*, vol. i, p. 222.

³ *Ibid.*, vol. i, p. 209. ⁴ *Ibid.*, vol. i, p. 109.

⁵ *Ibid.*, vol. i, p. 289. ⁶ *Cf.*, ch. iv, p. 114, note.

⁷ *M. C. C.*, vol. ii, pp. 65-6. ⁸ *Ibid.*, vol. i, p. 266.

coffin for a frozen man.¹ He would certainly appear to have earned his salary, which was seven and one-half pounds per year² until 1695, when it was increased to £10 on petition of English Smith, who "found itt Impossible to Live by A Dependance on ye Present Sallary."³

Commencing in 1703, the marshal was reimbursed periodically for "Candles for the Constables Watch."⁴ This is somewhat mystifying, because the salary paid the bellmen was understood to cover "fire and Candle light." When the minutes are examined closely, however, it is noticed that these payments cover expense for candles furnished during the summer season only; also that the last payment of this kind was made in 1713,⁵ just before the bellmen's watch was continued through the year. It seems reasonable, therefore, to conclude that some form of a "Constables watch," distinct from the bellmen, was maintained during the summer season from 1703 to 1714, for which the marshal provided candles. In further support of this conclusion, the reader will recall that bellmen might call on the constables for assistance.⁶

"Police headquarters" of the present day date back to the time of King William's War, when there was a "Roome Appointed for the Guard," probably in the city hall.⁷ Without reasonable doubt it was a similar room in the new city hall which was made fit for the watch, July 26, 1707.⁸ It was spoken of as a "Watch house," when supplied with a table and racks by the marshall in 1712,⁹ and again referred to by the old name "Guard Room" later in the same year.¹⁰

¹ *M. C. C.*, vol. ii, p. 309. ² *Ibid.*, vol. i, p. 322.

³ *Ibid.*, vol. i, p. 390.

⁴ *Ibid.*, vol. ii, pp. 242, 277, 288, 309, 315-6.

⁵ *Ibid.*, vol. iii, p. 50.

⁶ *Cf.*, pp. 165-6.

⁷ *M. C. C.*, vol. i, pp. 321 and 351. ⁸ *Ibid.*, vol. ii, p. 325.

⁹ *Ibid.*, vol. iii, p. 6.

¹⁰ *Ibid.*, vol. iii, p. 12.

CHAPTER VII

FIRE

NEW YORK CITY'S first fire engines were ordered from London in 1731.¹ At that time hand grenades and other chemical extinguishers had not been invented. Yet the story of the days of buckets, hooks and ladders for fire protection is not without its interest.

The homes of the early settlers were very closely grouped at the southern end of the island. The buildings were nearly all constructed of wood and roofed with reeds. In many cases even the chimneys were wooden or plastered.² Fire naturally resulted, and so we find fire regulations and fire officials antedating the birth of the municipality.

The recent novel suggestion of the city's fire commissioner, that the owner be charged with the cost of fighting preventable fires,³ is not so new after all when we read among the very first ordinances, January 23, 1648,⁴ "if anybody's house is burned either by negligence or his own fire, he shall pay a fine of 25 florins" (\$10). Henceforth no wooden or merely plastered chimneys were to be put into any house between the Fort and the Fresh Water.⁵ Such chimneys already in use might remain at the discretion of the firemasters. These officials, four in number, were to

¹ *M. C. C.*, vol. iv, p. 56.

² *Rec. N. Am.*, vol. i, p. 5.

³ *N. Y. Times*, October 10, 1914.

⁴ *Rec. N. Am.*, vol. i, p. 5.

⁵ A pond formerly situated where "The Tombs" now stands.

visit, whenever they pleased,¹ the chimneys in all the houses and ascertain if they were clean swept, collecting "immediately without contradiction" a fine of three guilders (\$1.20) for all that were "neglected and foul." Very sensibly all fines were to be applied to the purchase of fire ladders, hooks and buckets.²

A little more than two years after the city was chartered, Director Stuyvesant issued another order, important in this connection, to the effect that the inhabitants of the province the coming spring must move closer together, that they might be better protected against attacks and surprises by the savages. This suggested greater danger from fire and henceforth, in order to prevent sudden conflagrations, no house was to be roofed with straw or reeds and no chimney made of shingles or wood.³

It was impossible for a fire master in a small settlement like New Amsterdam to become a popular idol. The director's appointees of 1648 did not consider that they had life positions. Even before the order of 1656, the burgo-masters of the infant city had emphasized to the provincial council (April 12, 1655) the necessity that fire inspectors be appointed, and they presented to them a list of nominees of whom the council on the following day chose three as "Fire Inspectors of this City of Amsterdam in N. Netherland."⁴

The initiative of the city officials became very noticeable immediately after the orders of 1656. They state that a great many people within the city limits paid little attention to their fireplaces and chimney sweeping, "which has already

¹ A more specific direction was given September 28, 1648 (*cf. Rec. N. Am.*, vol. i, p. 11).

² *Rec. N. Am.*, vol. i, p. 5.

³ January 18, 1656. *Cf. Rec. N. Am.*, vol. i, pp. 19-20.

⁴ *Rec. N. Am.*, vol. i, p. 304.

caused fires several times," and they announced that, with the approval of the director general and council, they had appointed as firemasters Hendrick Hendricksen Kip, Govert Loockermans and Christian Barens. In all the houses within the jurisdiction of the city they were to do for the prevention of fires what was necessary and to collect such fines as were prescribed in the previous orders of the provincial authorities.¹

Kip and Loockermans had been appointees of the director the preceding year and may have been reappointed out of courtesy to him. Both men were subsequently city officials of prominence, but could hardly have achieved their reputations as firemasters. A suggestion of their inefficiency is found in the court minutes of November 20, 1656. Jacob Stevenson, who had also gained notoriety in other ways, had been warned by the fire inspectors to repair his house or pull it down. Still it stood and that no attention was given to the warning regarding repairs is indicated by the complaint finally made by a neighbor who said that nothing else was to be expected, not only by himself but by the whole street, but a sudden destruction by fire. An order of the court now included the sheriff, who, together with the fire inspectors, was ordered to forbid, within twenty-four hours, the said Stevenson making any more fire there under such circumstances, or they might pull down the chimney or do anything else they deemed proper.

Neither were the fire wardens of the following year taken seriously by the inhabitants, as is illustrated by the following incident: Madaleen Dirckx and her bridegroom were brought before the court of burgomasters and schepens charged with insulting the firewardens on the public highway and with causing a street riot. A request was made

¹ *Rec. N. Am.*, vol. i, pp. 21-2.

that punishment be imposed on the offenders in order that the firewardens' "quality" might be maintained. Madam alone appeared at court and admitted that she and her sister passed by the door of firewarden Litschoe and, "as they always joked when the firewardens came to their house, she said . . . 'there is the chimney sweep in the door; his chimney is well swept,' and not another word was said about it." A fine of two pounds Flemish was imposed and the culprit was notified to avoid all such similar faults.¹

We know that there were many thatched roofs still unremoved by April 1658, because the owners thereof, having petitioned, were granted two months additional time by the governor and council, "on condition of clearing all away in that time." Meanwhile they were to be on their guard against damage.²

It is amusing, four months later (August 12, 1658), to find the schout called into service by the court as one who could perhaps accomplish what the firewardens had failed to do. He was directed to warn all who had placed thatched roofs on their houses or who had plastered chimneys to remove them.³ Even the dignity of this high official behind the order did not very deeply impress the Dutch burgher. It was evidently as difficult then, as it is now, for men to submit to the interference of the law in what they consider a purely personal matter.

In endeavoring to carry out the above regulation the schout reported, a month later, that in execution of the burgo-masters' order, "he was with those who still have thatched roofs and plastered chimnies and notified them to remove them, and that they made fun at him." He accordingly requested that a penalty be fixed for disobedience.⁴

¹ *Rec. N. Am.*, vol. vii, p. 146.

² *Ibid.*, vol. vii, p. 184.

³ *Ibid.*, vol. ii, p. 419.

⁴ *Ibid.*, vol. ii, p. 424.

In 1658, the same year in which the neighbor of the aforementioned Stevenson¹ voiced his feeling of helplessness in case fire should break out, the burgomasters began to concern themselves about apparatus for fighting fire. Four shoemakers were sent for, to whom were shown two sample leathern buckets that had been made in this country. They were asked "to give their opinion thereon and the lowest price they will make them for." Reinout Reinoutsen contracted to make one hundred and Ariaen van Laar to make fifty at six guilders, ten stivers (\$2.60) apiece.² The burghers were taxed for bucket money, which was collected with considerable difficulty.³ Early in the next year (January 10, 1659) most of the buckets were ready, and now what should they do with them? It was decided "to put the City Arms on them and number them," and distribute them to the number of a dozen apiece among several of the inhabitants.⁴

Fire ladders and fire hooks were added to the equipment in 1659,⁵ and the following year Jan Jansen Hagenaar was ordered "to make a shed to keep the ladders under,"⁶ after he had looked them up.

What the Dutch provincial and municipal authorities both failed to accomplish was attempted by the English mayor and aldermen the year after the English occupation. Fire wardens were appointed to inspect all chimneys and fireplaces when they think proper, to impose fines for foul chimneys, and to remove wooden or other "improper" ones.⁷ Care of the equipment now became definitely a part of the firewardens' task. They were ordered, April 9, 1667,

¹ Cf. *supra*, p. 171.

² *Rec. N. Am.*, vol. vii, pp. 191-2.

³ *Ibid.*, vol. vii, pp. 192, 201, 206, 220. ⁴ *Ibid.*, vol. vii, pp. 207-9.

⁵ *Ibid.*, vol. vii, p. 228.

⁶ *Ibid.*, vol. vii, p. 248.

⁷ *Ibid.*, vol. v, p. 298.

to bring the fire buckets to the city hall and to have the use-less ones repaired and to mark the hooks and ladders; Henry Obe was ordered to pay for the same from the excise.¹ Henry Obe proved to be a poor paymaster, and Thomas Hall and Hendrick Williams, firewardens, December 1, 1668, had to take the matter to court in order to collect 150 florins seawant for having fire ladders and the other utensils made. The bill was ordered paid "without postponement or delay."²

Some of the citizens were negligent about returning ladders and the like after fires, as is shown in the order of August 6, 1667, notifying Mr. Allard Anthony that, "in case the City's ladders as well at his as at Mr. van Ruyvens and Paulus Leendersens bouweries now some years in use, not returned within 10 days from date, each of them shall be condemned to have a new ladder made for behoof of the City."³

In 1672 renewed attention was given to the matter of fire protection, the following order being issued under date of July the fourth; "Itt is Ordered that the Buckets & Other Instruments for fire belonging to the Towne shall be brought to the State house⁴ within 14 dayes."⁵ Later, in October of the same year, firewardens or brandmasters, as they are called in this record, were elected and orders regarding their duties issued:

Whereas itt is ffound necessary that (the) former Custome for Ellecting of Brand masters should bee continued in this City: The Court do therefore nominate & appoint Jan Jansen van Brestede, Evert duycking and John Cooly to be brandmasters of this Citty for the space of one whole Jeare commencing

¹ *Rec. N. Am.*, vol. vi, p. 67.

² *Ibid.*, vol. vi, p. 158.

³ *Ibid.*, vol. vi, p. 92.

⁴ We should call the "Stadt Huys" the "City Hall."

⁵ *Rec. N. Am.*, vol. vi, p. 382.

from the day of the date hereof, during which tyme they are hereby Required: as often as they shall see cause: to make a View of all Chimbnées within this Citty and the Suburbs¹ thereof, and to fine the owners of all those that shall be defective or not cleansed accordingh to the former Customes; As alsoo to take ceare that hookes and Ladders made to that purpose, may bee brought and fastned to some Convenient place which they shall thinke fitt.²

During the second Dutch occupation the following ordinance regarding fire marshals was issued: ³

Whereas it is found necessary for the prevention of accidents that the election and appointment of Firewardens be continued within this City according to previous custom, the W. Schout, Burgomasters and Schepens of the City of New Orange have therefore nominated and authorized as they hereby do, as Firewardens of this City for the term of one current year, Jan Jansen van Breesteede, Everd Duyckingh, Rynier Willemson, baker, and Jonas Bartelse, who are hereby requested and authorized to execute and fill the aforesaid office as Firewardens and Chimney Inspectors in such manner as the same has been heretofore executed and filled by their predecessors pursuant to the Ordinances and Placards thereof existing.⁴

It is interesting to note, from a comparison of the two previous records, the continuance in office of two of the former officials under the English régime, as well as the endeavor to maintain existing customs.

On January 30, 1674, the firewardens gave a written report of the number of fire buckets and other implements on hand and asked that more fire hooks and ladders might be made.⁵

¹ "Suburbs" would be defined then as the locality just north of the wall.

² *Rec. N. Am.*, vol. vi, p. 393.

³ *Ibid.*, vol. vii, p. 35.

⁴ *Ibid.*, vol. vii, p. 35.

⁵ *Ibid.*, vol. vii, p. 49.

The New Orange board of firewardens seems to have been a most business-like and persistent company, for on February 27, 1674, they presented a minutely detailed account of repair and equipment that was necessary emphasizing fire ladders and hooks. In their petition they set forth their compliance with the order to inspect the houses of the city and stated that they had found "divers fireplaces very much exposed to cause a conflagration," and that the owners had been warned to attend to the same.¹ As no reference was made to thatched roofs, wooden or plastered chimneys etc., may we not infer that continued pressure had done away in great measure at least, with those previous sources of trouble? That the number was greatly diminished is learned from a record of February 28, 1677, which gives the names of ten people having houses with no chimneys and of two, with chimneys "not fitt to keepe fire in." Among the ten were "ffredrick the Shoemaker, Jacob the Jew, John the Glass maker." The dozen offenders were given three months to make their chimneys safe or "depart their houses."²

The firewardens also related that the city crier had, in accord with their orders, published throughout the city that any inhabitants having city fire buckets were to return them to the city hall or hand them to the firewardens, but with all their efforts they had been able to collect only fifty-seven buckets, three of which had been left with Abel Hardenbroeck for repairs. Two old fire hooks with one old ladder, all unfit for use, were found at the city hall. A request for better equipment followed. The request was granted and they were empowered to have such equipment made at the city's expense as they deemed necessary.³

¹ *Rec. N. Am.*, vol. vii, pp. 66-67.

² *M. C. C.*, vol. i, pp. 42-3.

³ *Rec. N. Am.*, vol. vii, pp. 66-7.

The Dutch magistrates were thus unwittingly building well for the English administration that was soon to follow. One of the first records of the new mayor's court, March 23, 1675, tells of the appointment of two men as "brand masters to looke after fowle Chimneys and fyers in this Citty according to former Custome." Also they were to care for "the lathers, hookes and fyer buckets."¹

It is of more than usual interest that the first fine recorded for a chimney fire was imposed January 27, 1680, on William Dervall, a former mayor.² It will be a surprise to most readers to learn that a similar municipal ordinance is still in force, carrying a fine of five dollars.³

The custom of building fires on the wharf for boiling pitch, food etc. for the vessels docked there came to be considered a menace to such an extent that the governor, October 8, 1679, called the attention of the common council to it in order that legislation might be undertaken to check it. The one and only place for pitch boiling was then designated by the common council to be "against the stone wall of the halfe Moone neere the Cytie Wall." This fire was to be extinguished every night. No fire was to be allowed aboard any vessel; the fires where pitch boiling was allowed were to be used for cooking or other need, unless in "Extremity of Winter and with leave."⁴

Twenty shillings was the penalty for the first offence, fifty for the second, and five pounds for the third. The haven master was instructed to inform all strangers with regard to the above-mentioned regulations.⁵ A year later, November 23, 1680, an offender was caught having fire in his boats

¹ *M. C. M.*, March 23, 1675.

² *Ibid.*, January 27, 1680.

³ Principal John H. Denbigh of the Morris High School paid such a fine March 4, 1911.

⁴ *M. C. C.*, vol. i, p. 73.

⁵ *Ibid.*, vol. i, p. 73-74.

and fined by the court the twenty shillings for a first offence.¹ It would seem as if the regulations forbidding all fires on board vessels must have been considered too strict, for we later find, March 22, 1684, an order forbidding fires kept on board vessels "att any Other tyme than from Day Light in the morning till the Ringing of the Citty Bell att night under the Penalty of Twenty Shillings."²

Fire regulations again called for attention at the council meeting of March 15, 1683, old regulations being somewhat amended and new ones made. The mayor and aldermen were to appoint viewers and searchers of chimneys and fire hearths, to report any defects to the court of mayor and aldermen. Inhabitants were forbidden to put hay or any other combustible material in or near their houses. A fine of fifteen shillings was to be paid in case a chimney got on fire. Again, provision was to be made for keeping hooks, ladders and other implements in a convenient place.³

As the city grew, one may well imagine that difficulties arose in establishing places which were convenient for all, to say nothing of the necessarily larger amount of equipment to be furnished. On February 28, 1687, the common council launched a new scheme. Each inhabitant of the city who had two chimneys in his house was to have one bucket on hand; if he had more than two hearths he must have two buckets. Brewers must have six buckets and bakers, three. Time until the twenty-fifth of the following September was granted for procuring these.⁴

When the new "Viewers and Searchers of Chimneys" were appointed, November 2, 1686, they were instructed to make their inspections once in fourteen days at the least,

¹ *M. C. M.*, December 7, 1680.

² *M. C. C.*, vol. i, p. 144.

³ *Ibid.*, vol. i, p. 139.

⁴ *Ibid.*, vol. i, p. 187.

or oftener if necessary.¹ The time for procuring buckets had expired and doubtless the frequent inspection was in line with seeing that the regulations were enforced.

It was about this time also that a city chimney sweeper was appointed. William Butler was the first incumbent. He was to pass through the "Streetes Lanes and Passages" frequently, "with such noise or Cry as may Discover yow to the inhabitants thereof." He was authorized to charge one shilling for sweeping a one story chimney; eighteen pence for one of two stories or more.²

The services of Dirck Vanderburgh, a city bricklayer, were sought again and again in the next twenty years in the matter of fire prevention. On November 16, 1689, he and Peter Adolph were ordered to "make a view of all ye Chimnys in this City as also of all Bucketts & other Materials against fyre." They were to call upon a constable to assist them in each ward and report transgressors to the common council.³ Two years later, November 25, 1691, Vanderburgh was named as one of a committee of four to "goe round the Towne and View each fire place and Chimney that they be Sufficient and Clean Swept."⁴ At the same time the ordinance of 1686 relating to buckets was re-emphasized. Responsibility for procuring the buckets was now definitely fixed. It rested with the tenant, who, was to "Marke the Bucketts with the letters of his landlords name" and be allowed a deduction therefor from his rent. The mayor might use his discretion in penalizing people too poor to provide buckets.⁵ A regulation of this sort led to temptation in time of fire. A blaze occurred at Smith's Fly in the winter of 1691-2, after which a complaint came to the common council that several buckets were lost; "where-

¹ *M. C. M.*, November 2, 1686.

² *M. C. C.*, vol. i, p. 184.

³ *Ibid.*, vol. i, p. 211.

⁴ *Ibid.*, vol. i, p. 255.

⁵ *Ibid.*, vol. i, p. 255.

upon the crier was ordered to give notice around the city that any person who had taken a bucket other than his own must return it to the mayor.¹ Prosecution would await any one "in whose hands soever any of the Said Bucketts Shall be hereafter found."²

At the common council meeting of December 3, 1695, Vanderburgh was named as sole "Overseer and Viewor of ye harths and Chimneys of each Respective Ward." He was authorized to call the constable of a given ward to his assistance at any time, and especially detailed to provide six ladders, "two whereof to have hookes," at the expense of the city.³ Nine pounds five shillings was Dirck's bill for these ladders. The city had a good chance to see whether it got its money's worth, for the bill was not paid until ten years later.⁴ It is no wonder that such a patient waiter as Dirck—he was now Alderman Vanderburgh—should be again detailed, October 1, 1706, to "provide for the publick use of this City Eight Ladders and two fire hooks and Poles" and bring in his account for the same. The city had now attained such a degree of affluence that the court could afford to pay Rev. William Vesey five pounds as a "Gratification" for an election sermon;⁵ so the larger bill of nineteen pounds and two shillings for this fire apparatus was speedily settled.⁶ The life of a ladder appears to have averaged about a dozen years. New "Ladders and Hooks for the publick use of this City" had to be provided once more in 1716,⁷ and yet again in 1730 "in such number as has been usual."⁸

¹ Forty-eight hours was the limit of time for returning buckets after a fire as provided by an ordinance of November 18, 1731; *cf. M. C. C.*, vol. iv, p. 83.

² *M. C. C.*, vol. i, pp. 266-7.

³ *Ibid.*, vol. i, p. 391.

⁴ *Ibid.*, vol. ii, p. 292.

⁵ *Ibid.*, vol. ii, pp. 63, 122, 194, 210.

⁶ *Ibid.*, vol. ii, p. 316.

⁷ *Ibid.*, vol. iii, p. 132.

⁸ *Ibid.*, vol. iv, p. 3.

One may readily believe that a new system of inspection against fire in 1697 emanated from the same fireman, Dirck Vanderburgh. It was an arrangement whereby the responsibility for clean chimneys and safe hearths was centered in the alderman and assistant of each ward. Each pair of such officials was to appoint a pair of persons to make weekly inspections. One half the fine paid by offenders was to go to the inspectors. A negligent inspector forfeited six shillings and lost his job.¹ It is to be noticed that no jurisdiction over the fire buckets or apparatus was included in this scheme. Later the alderman in each ward was made responsible for this work also.²

¹ *M. C. C.*, vol. ii, pp. 23-24.

² *Ibid.*, vol. ii, p. 245.

CHAPTER VIII

CHARITIES AND CORRECTION

PROFESSOR HOWARD, in his volume on local constitutional history, speaks of the people of New England as "exceedingly jealous of the intrusion of strangers into the community."¹ He did not need to take pains to pick out New England, as a glance at the laws and orders of New York city, enacted in 1684, will show.² We know what our federal authorities have done in recent years to keep out of the country the undesirable immigrant who might become a public charge. Even more rigid was the municipal government of early New York. It was the duty of the constable of each ward frequently to "make A Strict Search, And Enquirey" after all strangers and report such to the mayor. Moreover, "Every keeper of Publique houses Taphouses or Ordinaryes" who lodged a stranger over two days was obliged to report to the constable of the ward "the Name Surname Dwelling place, Proffession And Trade of Life And Place of Service of all Such Person Or Persons, and for what Cause he or they Came to Reside there."³

If the master of a vessel brought a stranger to the city, he must give his name to the mayor within twenty-four hours under a penalty of forty shillings.⁴ Even a

¹ Howard, G. E., *Local Constitutional History of the U. S.*, p. 87.

² *M. C. C.*, vol. i, p. 135.

³ *Ibid.*, vol. i, p. 135.

⁴ *Ibid.*, vol. i, p. 220.

private citizen was liable to the same fine if he entertained a visitor longer than seven days without informing the mayor.¹ After one month the newcomer must "watch and ward and pay all Taxes and Assessm^{ts} and doe all Other Such things As the Inhabitants from tyme to tyme Shall be Oblidged to Pay and Performe." *

The young city had its poor, nevertheless, and we are interested to see how they were cared for. We glean just enough from the records of the Dutch city to know that it was the church and not the municipal government that carried the burden. The church deacons expected voluntary contributions to be placed in the several "poor-boxes." The contents were gathered from time to time and used for the care of the needy.³ Very few appeals came, therefore, directly to the municipal authorities. There was a case in 1670 of one John Fosacre (otherwise spelled Fossiker and Folshave) desiring some help during his sickness. The burgomasters and schepens "do recommend to the deakons of this Citty to allow the Petitioner some support, and to enquire Concerning the deseaze and Condition of the Petitioner, and the place of his Late residence, and to make a returne thereof at the next Court day."⁴ No "returne" appears in the records of the next court day, but when the same man petitioned again the following year,⁵ followed by similar action on the part of the court, the deacons of the Reformed Church reported that the petitioner belonged to the Lutheran Church whose deacons ought to maintain him.⁶ The court summoned the Lutheran deacons to appear at the next court. Evidently they made

¹ *M. C. C.*, vol. i, p. 220.

³ *Rec. N. Am.*, vol. iii, p. 431.

⁵ *Ibid.*, vol. vi, p. 340.

² *Ibid.*, vol. i, p. 154.

⁴ *Ibid.*, vol. vi, p. 266.

⁶ *Ibid.*, vol. vi, p. 348.

it clear to the court that Fossacre was unworthy, for it was ordered that "they shal give no more allowance to Jno fossiker, til further order." At the same time the squabble between the respective deacons was settled by the court. "Each Church should for the future Maintaine their owne Poore." Furthermore, in both churches, Lutheran as well as Reformed, the deacons at a public meeting should render an account of how they have disposed of the money they have collected for the poor.¹

During the first decade of the English city no change from the Dutch practice appears. In 1685 Governor Dongan recommended "to the Consideration of the Common Councill the maintainance of the poore."² It is apparent that the board agreed with him that a change was necessary, for it was decided that the aldermen of all wards "doe inspect what persons within their Severall wards are poore and Wanting almes for their Sustenance and make Certificate thereof to the Mayor that Care may be forthwith taken for their Reliefe out of the publique Theasury of this Citty and County."³ If any particular ward failed to make a report, it must maintain its own poor. It was expected that the aldermen would have the assistance of the constables in their several wards in their inspection.

A couple of years later the alderman and assistant of each ward were authorized to provide for their own poor directly, without reporting to the mayor. They were to draw on the city treasury for what they expended.⁴ In the year 1688 something over twenty pounds was thus expended.⁵ At a meeting of the common council, on

¹ *Rec. N. Am.*, vol. vi, pp. 352-3.

² *M. C. C.*, vol. i, p. 167.

³ *Ibid.*, vol. i, p. 172.

⁴ *Ibid.*, vol. i, p. 194.

⁵ *Ibid.*, vol. i, pp. 205-6.

January 4, 1690, when more funds were needed for the poor than the city had at hand, each constable was ordered to take up a collection from all the inhabitants of his ward for the maintenance of the poor and to render an account of the same to the mayor.¹

In the year 1691 we have the first record of the common council issuing orders for the support of given individuals. One Captain Collier was to have three shillings six pence per week allowed for his maintenance and paid to his landlord.² This amount was the one generally allowed; sometimes two shillings was considered enough; rarely four was allowed. Women regularly were maintained at less expense than men. "Two Woemen and two Children without the gate in the House of John de La Vall the one called Topknott Betty the other one Stillwells wife with the Children" were allowed four shillings a week for one month's time.³ The allowance was not always in the form of money. The treasurer was to let one Scarrbanck "have a new Suite and assist him in whats wanting."⁴ One John Roux was shut up in the city jail after the first intercolonial (King William's) war commenced and threatened to become an expensive city charge because his wife and children were without support. The prisoner's petition in their behalf to the governor and council was referred to the mayor and aldermen, who were directed "to Supply the Nessesitys of ye Prisoners wife and Children or to Give an Account next Thursday unto the Council of their Reasons to the Contrary." The children were ordered to be "put out" by the overseers of the poor "in Some Good Reputable Families" during the father's period of im-

¹ *M. C. C.*, vol. i, p. 212.

² *Ibid.*, vol. i, p. 226.

³ *Ibid.*, vol. i, p. 233.

⁴ *Ibid.*, vol. i, p. 234.

prisonment.¹ The effects of James Nichols, familiarly known as "Petty Boys the distracted man," were ordered to be cared for to the unfortunate man's best advantage during one of his periods of "distraction."²

When Abraham de Peyster was mayor in 1691, it was decided to try a new arrangement. Two councilmen, Johannes Kipp and Teunis de Kay, were made overseers of the poor for three months, "Impowred to releave Such persons as they Shall deeme Objects of Charity and to draw bills upon the Treasurer for Such moneys as they Shall disburse for Such Ends in the managem^t of w^{ch} they Shall act joyntly."³ The same men were continued in office for three months after February 18, 1692,⁴ and this custom was followed with some degree of regularity for over three years. In 1695 these officials were raised in importance by an act of the provincial assembly enabling the common council "to make Choice and Elect by Majority of Votes five Freemen of the Said City who with the Said Common Council are to Raise all Taxes for Defraying of ye Publick Charges of ye Said City now Especially for Maintaining of the poor Repairing the High ways and all Publick Buildings."⁵ This was an enabling rather than a compelling act, but the common council took advantage of the same for a few years. The new officials appear first in the records of October 20, 1695,⁶ and are called "Overseers of ye poor &c." At other times they were variously "The Overseers &c,"⁷ "the Overseers of ye poor & Public works &c."⁸ "Overseers of the poor and Publick Works and build-ings,"⁹ or simply "Overseers of ye Poor."¹⁰

¹ *M. C. C.*, vol. i, p. 348.

³ *Ibid.*, vol. i, p. 258.

⁵ *Ibid.*, vol. i, pp. 387, 396-7.

⁷ *Ibid.*, vol. i, p. 389.

⁹ *Ibid.*, vol. i, p. 421.

² *Ibid.*, vol. i, pp. 287, 307.

⁴ *Ibid.*, vol. i, p. 265.

⁶ *Ibid.*, vol. i, p. 387.

⁸ *Ibid.*, vol. i, p. 387.

¹⁰ *Ibid.*, vol. i, p. 394.

The common council chose one overseer from each ward.¹ At first these new officials had more to do than the aldermen and assistants.² Along the line of charity their first instructions were to " Visitt the several Wards of this Citty and Examine what poor there is that are fitt Objects of their Charity & make an Estimate what will be Nessessary to be Raised for their Reliefe and make Reporte thereof to the Clerkes office this day forth-night."³ The sum of £100 for one year was their estimate. A tax was ordered for raising the same,⁴ and the overseers were authorized to borrow £20 for present use.⁵

We have reason to believe that the office was not eagerly sought. The poor tax came in slowly and the overseers lacked funds and became tired of advancing from their own pockets. John Spratt paid a fine rather than serve as overseer in 1696.⁶ At one time Alderman Jacobus Van Cortlandt loaned ten pounds when the treasury was empty.⁷ The general situation was sensed by William Baker, who at his death left forty pounds to the city to be given to the poor.⁸ Truly the modern humanitarian spirit in our metropolis found its earliest substantial manifestation in William Baker in 1697.

A committee of inquiry reported, June 9, 1697, that the city owed the overseers £106 and that £50 more would be needed before the end of the fiscal year in October.⁹ Some five years later, in a petition to the provincial assembly, the municipal government asked "That A Law be Enacted to Enable the Citty of New

¹ *M. C. C.*, vol. i, p. 421.

² See *M. C. C.* of October 20 and November 19, 1695, vol. i, pp. 387-391.

³ *M. C. C.*, vol. i, p. 387.

⁴ *Ibid.*, vol. i, p. 389.

⁵ *Ibid.*, vol. i, p. 390.

⁶ *Ibid.*, vol. i, p. 429.

⁷ *Ibid.*, vol. i, p. 429.

⁸ *Ibid.*, vol. ii, p. 10.

⁹ *Ibid.*, vol. ii, p. 10.

Yorke to Raise Money for the Reliefe of the poor soe often as their shall be Occasion.¹

It may be that Mayor Peartree's government thought to reduce the number of paupers by such a scheme as the following: "Order'd the Church Wardens of this City put A Badge upon the Cloths of such poor as are Clothed by this City with this Mark N: Y in blew or Red Cloath att their discretion."² The foregoing is the first mention of the church wardens in connection with the poor, and it is significant because the records had made no mention of overseers of the poor for some ten years previously. The office apparently had been allowed to lapse and the care of the poor had been transferred to parish officers.³

Commencing with 1713, the municipal authorities considered petitions for charity when the officials were sitting as a court rather than as the common council, and one searches the court minutes rather than the council minutes for material. Now for the first time we have a census of the city's poor, to whom the church wardens are ordered to allow "such Reasonable Maintainance" as they shall think of absolute necessity for their relief.

This first pauper list is not without interest and is appended:⁴

Daniel Butts	Catherine Reade
Effie a blind women	Anne Shuttleworth
Sarah an old Maid	Mrs. Hope
Mrs. Cooley a soldier's wife	Mrs. Taylor
Cornelius Van Vlieden	Mrs. Carlse

¹ *M. C. C.*, vol. ii, p. 206.

² *Ibid.*, vol. ii, p. 330.

³ For these parish officers in England, *cf.* Stow, John, *A Survey of London, Westminster, Southwark and Parts Adjacent*, vol. ii, pp. 720, 767.

⁴ *M. C. M.*, March 24, 1713.

Mary Cooley	Margarett Key
Elizabeth Dagoon	Mary Brown
Effie Bluett a blind women ¹	
Philip Battin & Pasco Battin	
(two fatherless & motherless children)	

Later on, March 20, 1716, the church wardens were ordered to "Strike Mary Brown out of the list of the poor of this City She being a lewd woman as the Court is informed."² "Speedy relief" for the poor was reported as an "Absolute Necessity" with the approach of winter in 1713, and the mayor was directed to procure £100, "Either by Bond of this Corporation or Mortgage of the ferry," and hand it over to the church wardens.³ A little over a year later, January 4, 1715, the poor were again "in great want" and funds were gone. The common council suggested that the church wardens advance the fifteen pounds declared to be immediately necessary, the city to repay later with interest.⁴

It was about this time that the question of a poor house was first considered. Three aldermen and three assistants were named as a committee, March 24, 1714, "to Consult with the Mayor about the building of A poor house and house of Correction in this City."⁵ The construction of such a building was delayed, however, until 1735,⁶ but we know that a temporary poor house was provided immediately, because Andrew Roulson, blacksmith, "being very sick and weak and an Object of Charity," was ordered to be maintained "in the poor house," September 28, 1714.⁷ Samuel Carratt, also

¹ Probably the same "Effie" mentioned above.

² *M. C. M.*, March 20, 1716.

³ *M. C. C.*, vol. iii, pp. 52-3.

⁴ *Ibid.*, vol. iii, p. 83.

⁵ *Ibid.*, vol. iii, pp. 59-60.

⁶ *Ibid.*, vol. iv, p. 251.

⁷ *M. C. M.*, September 28, 1714.

"very sick and weak," was ordered into the poor house about the same time, to be maintained "until he be able to work for his living," and the church wardens were ordered to pay the "woman of the poor house for his support."¹

Elizabeth Burger was the keeper of the almshouse in 1715, and the church wardens were ordered to pay her the munificent sum of six pounds, "for Supplying her with necessaries for the use of the poor and for her Care and trouble about them for one year."² Two or three years later the poor are spoken of as being maintained at the house of Garratt and Elizabeth Deboogh.³ It is evident that the number maintained within the poor house was much smaller than that cared for outside. The mayor's court looked to the church wardens to investigate and bring to their attention the needy cases; each case was considered by itself and orders were given to the wardens for the disposition of the same.

The aged and crippled were naturally the most numerous dependents; frequently there were orphans, and widows left with young children. In case of the children the authorities always sought to "put them out" or apprentice them, and thus relieve the city of the burden.⁴ Among the aged dependents the name of Jarvis Marshall, once the city's haven master,⁵ appears several times.⁶ Jemima Haley was not old, but she sought temporary assistance until she was cured of a dog bite.⁷ John Downing got thirty shillings while his collar bone was

¹ *M. C. M.*, August 31, 1714.

² *Ibid.*, July 5, 1715.

³ *Ibid.*, August 13, 1717, August 19, 1718.

⁴ *Ibid.*, September 1, 1719, October 27, 1719.

⁵ Ch. iv, p. 112, *et seq.*

⁶ *M. C. M.*, September 20, 1720, January 10, 1721.

⁷ *Ibid.*, August 19, 1718.

mending.¹ Danell Usen was in the poor house after having been taken from a wreck at sea,² while Capt. William Trevillian was given thirty shillings toward his support, "he being lately taken by a Spanish Privateer near the Coast of Virginia," where he lost the ship of which he was sole owner and "all the rest of his Substance."³ One Susan, commonly called "Mad Sew," was supplied with "a good pair of Shoes & Stockings & Other Necessary Warm Clothing She being very old Poor & Non Compos Mentis."⁴ A flax wheel and a pair of wool cards were provided for the wife of Thomas Clifton, who had lost his eyesight.⁵ Interesting also is the case of Sarah Meals, who received forty shillings "to Remove herself" out of town.⁶ There were many, many cases where the city was called upon to pay the expenses of burial.

On several occasions a physician was paid for attendance upon the city's poor. Dr. Johannes Kerfbyl was paid five pounds in 1689, for looking after them for one year,⁷ and the same amount was allowed him at a later time.⁸ Jacob Provoost is spoken of as "Doctor to the poor of this City" in 1713, the church wardens being ordered to pay him eight pounds in full of his salary.⁹

Hospitals are a comparatively modern creation in the history of the city. To be sure, as far back as 1677, a "Lunatick" gave the authorities some concern and a house was ordered built for him within the fort.¹⁰ Again, in 1699, the common council ordered the mayor "to Agree with Some person for the Keeping of An Hospi-

¹ *M. C. M.*, February 9, 1720.

³ *Ibid.*, January 26, 1720.

⁵ *Ibid.*, February 11, 1718.

⁷ *M. C. C.*, vol. i, p. 206.

⁹ *M. C. M.*, June 9, 1713.

² *Ibid.*, August 23, 1715.

⁴ *Ibid.*, October 10, 1724.

⁶ *Ibid.*, May 9, 1721.

⁸ *Ibid.*, vol. ii, p. 68.

¹⁰ *Ibid.*, November 20, 1677.

tal,"¹ but nothing appears to have been done. When there came to be a poor house, it served at the same time as a hospital until after the Revolution.

A gaol or prison was an early necessity. When excavating for the new subway, in the spring of 1914, workmen came upon a brick wall containing windows with an iron grating. The *Engineering Record* of April 11, 1914, believed this to be the wall of an old Dutch prison. The location, under Church Street between Dey and Cortlandt, made this impossible since the Dutch city was bounded on the north by the wall. It may have been one of the warehouses that lined the strand in the early days of the English city; it certainly was not a Dutch prison. The Stadt Huys is mentioned again and again as the abode of New Amsterdam's sinful souls. The English city made use of the same prison quarters until the new city hall was completed, in 1700, and this latter remained the only city prison until 1760. Six years before the first English occupation the New Amsterdam government issued detailed instructions for the keeper of the jail and public prison.² Among other things, he was "bound to note down when the prisoners are brought into the public gaol and the name and surname and also when they are discharged, and what cloaths, money, goods they brought with them into the prison." He must "thoroughly visit the prisoners and the cells at least two or three times a week either by night or by day." He must look closely to see that the prisoners "have not knives, irons, rope or other instruments to break out or to injure themselves." If through his neglect any escaped, he might be sued therefor. Except by consent of the schout, burgomasters, and

¹ *M. C. C.*, vol. ii, p. 85.

² *Rec. N. Am.*, vol. ii, pp. 294-6

schepens, he might not relieve prisoners from their fetters nor increase them unless escape had been attempted. Any thus "secured" must be immediately reported. Weekly rations of meat and drink were prescribed for each prisoner—three pounds of beef, one and one half-pounds of pork, a can of beer daily (this amount doubled in summer), and the like. These the jailer must furnish as prescribed, unless any were "placed on bread and water," in which case he must not let them have anything else nor even sell them anything. He "shall inspect and clean the prison every week, so that no stench may arise." No one might "come to speak to the prisoners, except through the grating, without the consent of the schout and president." The jailer should separate the prisoners as much as possible from one another and "arrange them according to their offences and persons, especially the women from the men." No fire or light was permissible in the cells, but a prisoner sitting in the prison chamber might have a candle every two days, which he could burn until eight o'clock on a winter's evening, and nine in the summer.

During the year 1657, the year before the aforesaid instructions were drafted, we are informed that Anthony Baeck was keeper of the jail at one hundred and fifty florins (\$60) salary.¹ With these instructions, however, a system of allowances to the jailer came into vogue, and the incumbent whose income was based on the number of prisoners must have been in a position to welcome a "wave of crime." He received an allowance of twenty stivers (40 cents) per day (subject to change at the order of the judge) for feeding a prisoner, which amount was reduced one-half if the fare was bread and water. Even

¹ *Rec. N. Am.*, vol. ii, p. 289.

if there were no prisoners in confinement he could not sleep outside the prison except by consent of the president.¹ We have every reason to believe that the same regulations prevailed after the city came into the possession of the English. Indeed, it is quite impossible to detect any marked difference in the correction of wrongdoers after the English assumed control of the municipality.

Imprisonment alone has been considered thus far as a form of correction. A second form of penalty was, of course, the fine. "Imprisonment and fine" were linked quite as closely in the colonial as in the modern city. In cases where a fine was imposed a very common arrangement was to grant one third of the same to the informer, one third to the schout, and one third to the city;² as a consequence we find the schout recommending right along a fine of goodly proportions, which the court invariably diminished. For example, Schout Nicasiaus de Silla wanted two citizens fined "£4 Flemish" each for racing with their horses on Sunday after the sermon. The court placed the fine at three guilders each (\$1.20).³

In 1667, under the English régime, Allard Anthony, the sheriff, thought Thomas Tailer ought to pay a fine of 100 guilders (\$40) for striking Laurens Silla till the blood came; the court fixed the penalty at ten groats (about eighty cents).⁴ The casual reader, indeed the close reader in matters colonial, almost invariably pictures in his mind miscreants standing at the pillory, sitting in the stocks, lashed to the stake, or dangling from the gallows. If the culprit be a brawling woman, she is thought of as occupying the ducking chair and about to

¹ *Rec. N. Am.*, vol. ii, pp. 294-6.

² *Ibid.*, vol. ii, p. 19.

³ *Ibid.*, vol. ii, pp. 131-2.

⁴ *Ibid.*, vol. vi, p. 87.

make close acquaintance with the cool waters beneath. A study of the records, however, shows that such forms of correction in New York were very infrequent. One Mesaack Martens, in 1661, for stealing some cabbages, was sentenced "to stand in the pillory with cabbages on his head."¹ Following this the pillory seems to have had no further use. Some thirty years later the disorder accompanying Leisler's rebellion may have induced the common council to order "that the Sherriffe Imediately cause a Ducking Stoole to be built upon the Wharfe before the Citty hall and goe to the Treasurer for his pay."² This order was not carried out, and the reason why is not difficult to guess. The sheriff would much prefer that a fine be imposed, one third of which was regularly paid to him. Several months later, February 4, 1692, another order provided for the immediate construction of a pillory, cage, and ducking stool, and now William Merritt and Capt. Thomas Clarke were "joyned in a Comittee with the Sherriffe for finishing the Same."³ One would expect the court would find suitable candidates for these newly constructed penal instruments, but the only evidence we have that they were actually completed is a minute to the effect that they needed repair in 1695.⁴

We find no mention whatever of the stocks in Dutch times. In 1699, however, there were such in existence in front of the old city hall, from which place they were then ordered to be removed, together with the cage and pillory. It was at this same meeting that the old city hall was ordered to be sold to the highest bidder.⁵ For more than two years the city must have existed without

¹ *Rec. N. Am.*, vol. iii, p. 410.

² *M. C. C.*, vol. i, p. 253.

³ *Ibid.*, vol. i, p. 267.

⁴ *Ibid.*, vol. i, p. 384.

⁵ *Ibid.*, vol. ii, p. 81.

these instruments of punishment, the sight of which rather than their actual use was supposed to lessen crime. On November 1, 1703, "a Cage, Whipping post, pillory and Stocks" were ordered to be erected in front of the city hall.¹ They were moved to a slightly different position in Broad Street seven years later,² and in 1720 they were again replaced by new ones.³

Stow describing the Cornhill pillory⁴ in his *Survey of London* says, "On the top of which Cage⁵ was placed a Pillorie for the punishment of Bakers, offending in the assize of bread; for Millers stealing of Corne at the Mill; for Bawds, Scolds, and other offenders." A careful search through the court records of the burgomasters and schepens as well as those of the mayor's court reveals offenders of this sort in plenty, but only a single case—the one just cited⁶—where a pillory was used. Not a solitary case appears where the offender was caged or condemned to the stocks or ducking stool. The whipping post, however, was in actual use several times, scourging being frequently accompanied by branding and banishment from the city. In 1660 Hendrick Jansen, Claarbout van ter Goos, who is spoken of as a felon, but whose exact crime is not mentioned, was condemned to be whipped, branded, and banished with his wife and children to Virginia, the provincial authorities having given the burgomasters and schepens power to banish from New Netherland as well as from the city.⁷

The record of this case has an additional interest for

¹ *M. C. C.*, vol. ii, p. 244.

² *Ibid.*, vol. ii, p. 425.

³ *Ibid.*, vol. iii, p. 227.

⁴ Stow, John A., *Survey of London*, p. 208.

⁵ Described as "a strong prison made of Timber . . . with a paire of Stocks therein," p. 208.

⁶ *Cf. supra*, p. 195.

⁷ *Rec. N. Am.*, vol. iii, pp. 110, 111, 114.

us, as it shows a method sometimes used by the court for deciding what kind of a sentence it was best to impose. Each one of the seven members of the court was called upon to express his decision, after which sentence was declared. In this case three schepens had voted the prisoner worthy of death, while one schepen had joined the two burgomasters in recommending that he be "whipped and branded and banished," when the seventh man, Schepen Cornelius Steenwyck, was called upon for his opinion. He broke the tie by voting that "he be whipped and branded under the gallows, the halter being around his neck, and banished for ever and sent hence with his wife and children on pain of the gallows; thanking the Magistracy on his bended knees for their merciful and well deserved justice."¹

In 1662 Reyer Cornelissen, the miller, confessing, after being tortured, to stealing grain, was tied to the stake, scourged, and banished from the city for ten years.² Grietje Jans, for her "scandalous, irregular, whorish and evil life and behaviour," must depart the city within fourteen days or three weeks time on pain of bodily correction.³ Neeltje Pieters, convicted of stealing stockings, was banished for eight years.⁴ With a sense of fitness that will appeal to many, a ten-year-old girl, Lysbet Anthony, who confessed to having stolen seawant, was ordered to be whipped with rods by her mother in the presence of the magistrates.⁵ All the foregoing penalties were imposed by the Dutch court, and in matters of this kind there is a most striking similarity between the Dutch and English court records.

¹ *Rec. N. Am.*, vol. iii, pp. 110-11.

² *Ibid.*, vol. iv, p. 70.

³ *Ibid.*, vol. v, p. 272.

⁴ *Ibid.*, vol. iii, p. 328.

⁵ *Ibid.*, vol. iii, p. 315.

There was no departure under English rule from the previous practices, either in determining guilt or in assigning the penalty. For instance, in 1679, John Williams, of Fordham, who did "wickedly and feloniously steale and take away a certain horse" from the farm of Francis Brown, of Stamford, and was found guilty by the jury, was sentenced to be "whipped by the Comon Whipper on the Naked back Thirty Nine Lashes," also to be "burnt on the shoulder" and pay all the charges within ten days, or be transported at the city's discretion.¹ In the same year a "Negro called Danielle," for "drawing his knife ag^t a Burger of this Citty & rideing in a Cart," was condemned to receive "forty Lashes at ye Whipping post."² John Baker, another negro, stole a kettle from Carston Leerson's house and "Buoy roaps and Shrowds" from Martin Creger's sloop. He got thirty lashes.³ Margaret Peters, a mulatto, was banished from the city for theft. She did not remain banished, but returned shortly and did some more stealing. This time she was sentenced to be "Whipt at ye Comon whipen post 20 Lashes on ye bare back" and "be burnt in ye shoulder." Her banishment also was to continue.⁴

Mary, the wife of John Henries, received stolen property and sold it. She had to make good the loss and pay a fine of six pounds to the city; if at any time thereafter she should be found "in the like Error," she was to be "whipped out of the towne."⁵

Thirty lashes upon the bare back "and banishment for one whole yeare and a day" was the sentence imposed on Will Anthony's wife, Margaret, for theft and "Carnall Coppulacon with others than her husband."⁶

¹ *M. C. M.*, May 28, 1679.

² *Ibid.*, April 16, 1679.

³ *Ibid.*, February 15, 1679.

⁴ *Ibid.*, September 21 and 23, 1680.

⁵ *Ibid.*, January 13, 1680.

⁶ *Ibid.*, February 14, 1680.

Andrew Ball, after being in prison some time for "taking a false Oath before the Governor," begged the mercy of the court. As a warning to the public of the seriousness of such an offense, the prisoner was sentenced to "bee on Munday next brought to the whipping post before the Citty hall and there continue to stand with a Paper pinned on his breast mentioning his crime for ye Space of one whole hower."¹

Michael Hastings, two years later, got quite as much publicity for a far less serious offense, perhaps because he was a "forraigner" from New Jersey. The sheriff had taken him into custody for stealing sheets from the beds in James Matthew's house within the city, two of which sheets were "found upon him." It is not at all improbable that some member of the court remembered seeing Martens with those stolen cabbages on his head twenty-six years before. At any rate, Hastings was sentenced to "be carryed from prison to the Whipping post and there Stand halfe an houre with the Sheets about his Neck and a Rodd under each Arme and to depart this Citty within 24 houres or else to be whipped."²

¹ *M. C. M.*, July 31, 1675. Compare with the punishment of a priest in London, described by Stow, *Survey of London*, p. 208.

² *Ibid.*, December 5, 1677.

schepens, he might not relieve prisoners from their fetters nor increase them unless escape had been attempted. Any thus "secured" must be immediately reported. Weekly rations of meat and drink were prescribed for each prisoner—three pounds of beef, one and one half-pounds of pork, a can of beer daily (this amount doubled in summer), and the like. These the jailer must furnish as prescribed, unless any were "placed on bread and water," in which case he must not let them have anything else nor even sell them anything. He "shall inspect and clean the prison every week, so that no stench may arise." No one might "come to speak to the prisoners, except though the grating, without the consent of the schout and president." The jailer should separate the prisoners as much as possible from one another and "arrange them according to their offences and persons, especially the women from the men." No fire or light was permissible in the cells, but a prisoner sitting in the prison chamber might have a candle every two days, which he could burn until eight o'clock on a winter's evening, and nine in the summer.

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³ *Ibid.*, vol. ii, pp. 131-2.

⁴ *Ibid.*, vol. vi, p. 87.

make close acquaintance with the cool waters beneath. A study of the records, however, shows that such forms of correction in New York were very infrequent. One Mesaack Martens, in 1661, for stealing some cabbages, was sentenced "to stand in the pillory with cabbages on his head."¹ Following this the pillory seems to have had no further use. Some thirty years later the disorder accompanying Leisler's rebellion may have induced the common council to order "that the Sherriffe Imediately cause a Ducking Stoole to be built upon the Wharfe before the Citty hall and goe to the Treasurer for his pay."² This order was not carried out, and the reason why is not difficult to guess. The sheriff would much prefer that a fine be imposed, one third of which was regularly paid to him. Several months later, February 4, 1692, another order provided for the immediate construction of a pillory, cage, and ducking stool, and now William Merritt and Capt. Thomas Clarke were "joyned in a Comittee with the Sherriffe for finishing the Same."³ One would expect the court would find suitable candidates for these newly constructed penal instruments, but the only evidence we have that they were actually completed is a minute to the effect that they needed repair in 1695.⁴

We find no mention whatever of the stocks in Dutch times. In 1699, however, there were such in existence in front of the old city hall, from which place they were then ordered to be removed, together with the cage and pillory. It was at this same meeting that the old city hall was ordered to be sold to the highest bidder.⁵ For more than two years the city must have existed without

¹ *Rec. N. Am.*, vol. iii, p. 410.

² *M. C. C.*, vol. i, p. 253.

³ *Ibid.*, vol. i, p. 267.

⁴ *Ibid.*, vol. i, p. 384.

⁵ *Ibid.*, vol. ii, p. 81.

these instruments of punishment, the sight of which rather than their actual use was supposed to lessen crime. On November 1, 1703, "a Cage, Whipping post, pillory and Stocks" were ordered to be erected in front of the city hall.¹ They were moved to a slightly different position in Broad Street seven years later,² and in 1720 they were again replaced by new ones.³

Stow describing the Cornhill pillory⁴ in his *Survey of London* says, "On the top of which Cage⁵ was placed a Pillorie for the punishment of Bakers, offending in the assize of bread; for Millers stealing of Corne at the Mill; for Bawds, Scolds, and other offenders." A careful search through the court records of the burgomasters and schepens as well as those of the mayor's court reveals offenders of this sort in plenty, but only a single case—the one just cited⁶—where a pillory was used. Not a solitary case appears where the offender was caged or condemned to the stocks or ducking stool. The whipping post, however, was in actual use several times, scourging being frequently accompanied by branding and banishment from the city. In 1660 Hendrick Jansen, Claarbout van ter Goos, who is spoken of as a felon, but whose exact crime is not mentioned, was condemned to be whipped, branded, and banished with his wife and children to Virginia, the provincial authorities having given the burgomasters and schepens power to banish from New Netherland as well as from the city.⁷

The record of this case has an additional interest for

¹ *M. C. C.*, vol. ii, p. 244.

² *Ibid.*, vol. ii, p. 425.

³ *Ibid.*, vol. iii, p. 227.

⁴ Stow, John A., *Survey of London*, p. 208.

⁵ Described as "a strong prison made of Timber . . . with a paire of Stocks therein," p. 208.

⁶ *Cf. supra*, p. 195.

⁷ *Rec. N. Am.*, vol. iii, pp. 110, 111, 114.

us, as it shows a method sometimes used by the court for deciding what kind of a sentence it was best to impose. Each one of the seven members of the court was called upon to express his decision, after which sentence was declared. In this case three schepens had voted the prisoner worthy of death, while one schepen had joined the two burgomasters in recommending that he be "whipped and branded and banished," when the seventh man, Schepen Cornelius Steenwyck, was called upon for his opinion. He broke the tie by voting that "he be whipped and branded under the gallows, the halter being around his neck, and banished for ever and sent hence with his wife and children on pain of the gallows; thanking the Magistracy on his bended knees for their merciful and well deserved justice."¹

In 1662 Reyer Cornelissen, the miller, confessing, after being tortured, to stealing grain, was tied to the stake, scourged, and banished from the city for ten years.² Grietje Jans, for her "scandalous, irregular, whorish and evil life and behaviour," must depart the city within fourteen days or three weeks time on pain of bodily correction.³ Neeltje Pieters, convicted of stealing stockings, was banished for eight years.⁴ With a sense of fitness that will appeal to many, a ten-year-old girl, Lysbet Anthony, who confessed to having stolen seawant, was ordered to be whipped with rods by her mother in the presence of the magistrates.⁵ All the foregoing penalties were imposed by the Dutch court, and in matters of this kind there is a most striking similarity between the Dutch and English court records.

¹ *Rec. N. Am.*, vol. iii, pp. 110-11.

² *Ibid.*, vol. iv, p. 70.

³ *Ibid.*, vol. v, p. 272.

⁴ *Ibid.*, vol. iii, p. 328.

⁵ *Ibid.*, vol. iii, p. 315.

There was no departure under English rule from the previous practices, either in determining guilt or in assigning the penalty. For instance, in 1679, John Williams, of Fordham, who did "wickedly and feloniously steale and take away a certain horse" from the farm of Francis Brown, of Stamford, and was found guilty by the jury, was sentenced to be "whipped by the Comon Whipper on the Naked back Thirty Nine Lashes," also to be "burnt on the shoulder" and pay all the charges within ten days, or be transported at the city's discretion.¹ In the same year a "Negro called Danielle," for "drawing his knife ag^t a Burger of this Citty & rideing in a Cart," was condemned to receive "forty Lashes at ye Whipping post."² John Baker, another negro, stole a kettle from Carston Leerson's house and "Buoy roaps and Shrowds" from Martin Creger's sloop. He got thirty lashes.³ Margaret Peters, a mulatto, was banished from the city for theft. She did not remain banished, but returned shortly and did some more stealing. This time she was sentenced to be "Whipt at ye Comon whipen post 20 Lashes on ye bare back" and "be burnt in ye shoulder." Her banishment also was to continue.⁴

Mary, the wife of John Henries, received stolen property and sold it. She had to make good the loss and pay a fine of six pounds to the city; if at any time thereafter she should be found "in the like Error," she was to be "whipped out of the towne."⁵

Thirty lashes upon the bare back "and banishment for one whole yeare and a day" was the sentence imposed on Will Anthony's wife, Margaret, for theft and "Carnall Coppulacon with others than her husband."⁶

¹ *M. C. M.*, May 28, 1679.

² *Ibid.*, April 16, 1679.

³ *Ibid.*, February 15, 1679.

⁴ *Ibid.*, September 21 and 23, 1680.

⁵ *Ibid.*, January 13, 1680.

⁶ *Ibid.*, February 14, 1680.

Andrew Ball, after being in prison some time for "taking a false Oath before the Governor," begged the mercy of the court. As a warning to the public of the seriousness of such an offense, the prisoner was sentenced to "bee on Munday next brought to the whipping post before the Citty hall and there continue to stand with a Paper pinned on his breast mentioning his crime for ye Space of one whole hower."¹

Michael Hastings, two years later, got quite as much publicity for a far less serious offense, perhaps because he was a "forraigner" from New Jersey. The sheriff had taken him into custody for stealing sheets from the beds in James Matthew's house within the city, two of which sheets were "found upon him." It is not at all improbable that some member of the court remembered seeing Martens with those stolen cabbages on his head twenty-six years before. At any rate, Hastings was sentenced to "be carryed from prison to the Whipping post and there Stand halfe an houre with the Sheets about his Neck and a Rodd under each Arme and to depart this Citty within 24 houres or else to be whipped."²

¹ *M. C. M.*, July 31, 1675. Compare with the punishment of a priest in London, described by Stow, *Survey of London*, p. 208.

² *Ibid.*, December 5, 1677.

VITA

ARTHUR EVERETT PETERSON was born in Weymouth, Massachusetts, July 24, 1871. He received the degrees of A. B. and A. M. from Tufts College in 1892 and 1897 respectively. For seven months during 1897-8 he travelled and studied in Europe. He has been a graduate student in the department of Political Science at Columbia University since 1907, and has taken courses with Professors Osgood, Dunning, Shepherd, Beard and Botsford, including seminars with the two first mentioned.

Professionally his career has been as follows: Instructor in Classics, Westbrook Seminary, Maine, 1892-1894; Principal and Instructor in History and Classics, South Manchester (Conn.) High School, 1894-1900; Principal and Instructor in History and Classics, Windham (Conn.) High School, 1900-1904; Instructor in History and Classics in Morris High School, and in Sachs Collegiate Institute, New York City, 1904-1905; Principal and Instructor in History and Classics, Danbury (Conn.) High School, 1905-1907; Instructor in History, Morris High School, New York City, 1907-1913; Chairman History Department, Evander Childs High School, New York City, 1913-1916; Editor, *Minutes of the Common Council of the City of New York, 1784-1831*, 1916-

